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The attention of the readers is drawn to the advertisements in this issue.

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PRESIDENT'S PAGE

Each year new ideas and plans for Association progress are set in motion when we gather at our annual meeting. Among those advocated last summer was the Executive Board's recommendation that the President make at least one yearly visit to a chapter meeting. In August I attended the meeting of the Southeastern Chapter in Atlanta. The marked impressions of the value of the work done by this local group have not left me. A study of the activities of all the chapters has shown a similar pattern of development. You have proved as chapters your wisdom and skill by improving library service, communication and other standards in your regions. There is the continuing training and education of members which assures their advancement in the profession; the cooperative planning for the orderly growth of libraries; the increased aid to the legal profession in the establishment of individual and local bar libraries; the encouraging spirit that has fostered some of our best writing talent.

It seems that the national association should have your counsel as chapters. When comparatively small groups come together there is an informality and ease disposed to the kindling of the imagination and the interchange of ideas not always induced when hundreds are together. When you meet annually, or more frequently, why not spend a portion of your programs on problems that affect many members. To bring your ideas and plans into full effectiveness, there must be close cooperation among the chapters working through the nationally authorized Committee on Chapters. It can become as influential in the progress of the Association as the work of any present committee.

This message is praise for the extent of the vision shown in the planning and carrying out of the chapter work. It is also a means to encourage you to help as chapters at the national level.

HELEN HARGRAVE

Introductory Statement

Publication of printed papers or proceedings of the 1957 Law Librarians' Institute, sponsored jointly by the American Association of Law Libraries and the University of Colorado last June, was not included in the original plans for the Institute. Preparation of mimeographed outlines or summaries for distribution prior to the Institute was. The instructors for the Institute had made their commitments before the idea of publication of the suitable papers, which was first suggested by William B. Stern, Chairman, Committee on Law Library Journal, was adopted as feasible. This statement is here included by way of explanation of the fact that no printed papers are included for Dr. Stuart Baillie of the University of Denver Library School nor for W. Tod Campbell of Shepard's Citations, who made excellent oral presentations of their assigned subjects, *viz.*, "Introduction to Library Science" and "Techniques in the Use of Court Decisions in Legal Research."

I wish to take this occasion to express my sincerest appreciation and gratitude to the instructors who participated so generously in the Institute program. It is to them and to Prof. Howard Klemme of the University of Colorado, who was in charge of the local arrangements for the Institute, that successful conclusion of the Institute is completely attributable. Some of the instructors participated in the program under extremely difficult circumstances and I can only marvel at their loyalty to the cause of law librarianship in never hesitating in going through with their assignments at the Institute. Words can never express my deep gratitude to all participants.

I wish now to express my further thanks and appreciation to Mrs. Marian Gallagher, Prof. Austin W. Scott, Jr., Miss Margaret Coonan, Miss Elizabeth Benyon, Dr. C. Mansel Keene, and Earl C. Borgeson whose papers follow herein and who worked their manuscripts over to make them suitable for publication in order that those who were unable to attend the Institute may gain some benefit from the ideas which were there presented and discussed. We regret that due to unavoidable circumstances the publication of Mr. Stern's lecture on "Foreign Law in the Average Law Library" will be delayed and also that the original plan to include summaries of discussions which followed some of the lectures has had to be abandoned due to lack of space.

ARIE POLDERVAART
Institute Director

Introduction to Library Science with Practical Problems

by MARIAN G. GALLAGHER, *Librarian*
University of Washington Law Library

What are some of the things you might expect a school of librarianship to teach you?

First and Most Important, Cataloging. This is a subject so basic that if you could learn nothing else, it would be worth your tuition; in our opinion, two years as a cataloger would supply the perfect "experience" reference for the beginning law library administrator.

In addition to being the most important thing in the library school curriculum, cataloging probably is the only thing you cannot learn eventually just by hanging around as an assistant in a properly run library. It is true that you *might* learn it by hanging around a catalog librarian who had time to explain all of the rules to you as he went along, to see that you understood them, and made you practice them, but the ratio of uncataloged books to catalogers makes it highly unlikely that such a one will come your way.

There is much talk in law library circles about simplified cataloging, and some who know all about cataloging but little about law books have heard it so often that they have developed the idea that law libraries do not need cataloging—just a simple system to list the books—and that law libraries do not need classification (which, of course, is not cataloging but which seldom is managed intelligently by one without an understanding of cataloging). Both of these assumptions are a lot of nonsense. If your library is so small that you know every book in it and if you or someone with the same complete knowledge is on duty whenever the library is open, then perhaps you do not need a catalog; if your library is so small that a patron has to go no more than four places to see which treatise on trusts best develops a particular doctrine, then perhaps you do not need classification.

There are simplifications which can be made, *e.g.*, substituting checklists for complete cataloging, but those substitutions still have to be tied into the catalog by standard methods. It is possible to eliminate some of the bibliographic detail from catalog cards, but what is left should carry a uniform entry. Uniform entries are determined best by one with cataloging training.

When you go to library school you will take cataloging. There is no escaping it if you are after a degree. Anything you produce, from then on, should be a joy to other librarians. If you offer duplicates or if you ask for an interlibrary loan, your entry will have the proper author heading so your

correspondents will not have to hunt all over their own duplicate listings and catalogs to determine whether they have it. Your entry will carry the edition and the date; and if you are making bibliographies, both your book and periodical citations will carry inclusive paging, so your readers will know how much coverage to expect if they borrow one of the listed items.

It always has seemed strange to me that lawyers, with the training they receive in brief-writing, with the emphasis legal bibliography teachers and court rules place on complete citations, and with their exposure in law school to Price's *Practical Manual of Standard Legal Citations* and the *Uniform System of Citation*, never seem to carry it beyond the brief. They send you a list of books—either because they are going to give them to you or because they want you to tell them their worth —and many times half of the items cannot be identified. There may be authors and titles with no dates, authors and dates with no titles, wrong authors, right titles and wrong dates, and, of course, never an edition. We received one last week listing three items. One was a Connecticut session law. The lawyer apparently had copied most of the title page, including the publisher, and gave a date when there was no session. One was a listing of publisher and date—no author, no title, no subject. The third was described as "an old account book that my wife's father brought from Connecticut". Neither that man, nor his wife, nor his secretary had been to library school.

Discussion of documentation and specialized information retrieval is currently popular; it might be wise to postpone investigation of these subjects until after you have acquired a basic knowledge of cataloging. Short of academic course work, something may be accomplished by careful reading of these books:

Akers, Susan G. *Simple Library Cataloging*. 4th ed. Chicago, American Library Association, 1954. 250 p.

Mann, Margaret. *Introduction to Cataloging and the Classification of Books*. 2d ed. Chicago, American Library Association, 1943. 288 p.

Elsie Basset's *A Cataloging Manual for Law Libraries*, most widely used in law libraries, is out of print. Its emphasis is on adaptation of cataloging rules to fit the peculiarities of law collections; we think that some basic instruction in the ground rules should precede instruction in their amendment.

A poll among recent graduates of our own librarianship course found unanimous agreement on the importance of cataloging and substantial support for placing the following subjects in secondary positions:

The Awareness of Bibliographic Sources. Such an awareness includes how to discover what forms a basic law collection; where to locate checklists, bibliographies, union lists; how to locate order information; and how to keep up on current publications. These things, if you attend a library school not specializing in law librarianship, you will not learn in specific detail—that is, you will not pick up an extensive bibliography of titles unless

you do a special research project and dig them out for yourself, because there are so many general sources to cover that there is no time to study Sweet and Maxwell's *Legal Bibliography of the British Commonwealth,* or the New York University *Catalogue of the Law Collection,* or even the *Law Library Journal.* But you will learn to use the government document catalogs, the *Cumulative Book Index,* the *Publishers' Trade List Annual,* the *Book Review Digest, Publishers' Weekly,* and the *Union List of Serials.* More important, you will develop a method—you will come to realize that whenever there is a need for information, a need that is general and recurrent, someone may have compiled a list. You will learn to look for it before you start asking your colleagues questions which can be answered by a printed list or go batting off to compile a list on your own. The embarrassment of needless questions is not so important as the embarrassment of the incomplete collection which is apt to grow out of ignorance of the existence of checklists and of sources of current bibliographic information.

The Prevention of Stagnation. Lawyers scan advance sheets to keep current with changes in the law. In library school, you learn to scan professional journals in the same way, but you also learn to look at books and periodicals in a different way—not to browse in them in the advance sheet method but to glance at their prefaces and tables of contents to get an idea of their coverage, and, if they are reference books, to see how they work. This brings up something you will not learn in library school, because most of the students are headed for libraries where it would be impractical for them to try it, and the library school curriculum is not geared to teaching impractical techniques. You may find it helpful, if your acquisition rate will allow it, to make a practice of examining each book as it comes into your collection—not each volume of the *National Reporter System* or of *Corpus Juris Secundum,* but the first issues of periodicals, the first volumes of new reference sets, and each new treatise or monograph. How much time you devote to such pursuits will depend upon the kind of law librarian you want to be (the do-it-yourself kind or the refer-to-the-reference-department kind) and the condition of your memory (the I-remember-it-better-if-I-handle-it kind or the I-remember-a-book-review kind). One law librarian of our acquaintance is so convinced of the effectiveness of handling the book that his acquisition procedure requires that every member of the professional staff have some responsibility in the chain of duties between arrival and shelving of new titles.

The Meaning of the Budget. In library school, you learn that budgets do not just appear, that they must be fought for and that every time you ask for something new and about half the time you want to keep something you already have, you must justify the request. You learn that justification means statistics and standards. Unfortunately, you do not learn where to find statistics and standards peculiar to law libraries because, again, the matter is of limited interest to the general student body. But, having learned the method, you can later ap-

ply it with the aid of Roalfe's *Libraries of the Legal Profession*, the Association of American Law Schools' Standards, the American Bar Association's annual questionnaire-gathered information, and assorted quotations from professional literature and friendly correspondence.

The Care and Treatment of Money. Schools of librarianship generally proceed upon the theory that what you do with your money after you get it is a problem not worthy of the notice given your struggle to get it—libraries have bookkeepers to handle such things; there is always some higher authority like the Country Treasurer or the University Accounting Department to render counsel or admonition; and in the unlikely event neither of these things is true, one can always call in an accountant. The number of law libraries which are without bookkeepers, or higher authorities who are up to date on their posting, or authority and means to call in accountants seems sufficiently large to justify an exception to the general theory in a special law librarianship curriculum. The beginning law librarian should have knowledge of the essentials making up an adequate system of financial records, whether those records are to be kept by the law library staff or by the higher authority. We count those essentials as five:

(1) A system which keeps track of cash expended and therefore provides the current cash balance.

(2) A system which records encumbrances and therefore provides the current unencumbered balance (encumbrances should include the expected cost of continuing subscriptions, binding, and fixed charges during the budget period, as well as estimated cost of separate items on order).

Better practice divides both expenditure and encumbrance figures into categories, at least separating the figures for new books, continuations, binding, equipment and supplies, and in more statistics-conscious libraries, further subdividing into types of books—treatises, statutes, reports, periodicals, search books, foreign books, etc.

(3) An order and payment record for each acquisition, arranged so that it can be consulted without reference to the time of its arrival or the time of its order (preferrably, an alphabetical order card file or shelf-list record for individual orders and a serial record for continuations.)

(4) A file, by dealers, of invoices paid.

(5) A double-entry check for accuracy (this may be supplied, if the higher authority's reports are current, by balancing their monthly and cumulative money-expended figure against the law library's own record of totals resulting from either essential (1) or (4); if not, a balance between the law library's totals in (1) and (4) achieve the same result).

Dealing with Serials. In library school you learn the basic rules for dealing with serials. What you may not learn because, again, it is a specialized subject, is the amazing percentage of your law collection which is serials or pseudo-serials. In practice, you learn that it is a simple thing to apply the basic rules to the regularly established, calmly edited, adequately indexed sets like *A.L.R.* and the *Yale Law Journal*, but you begin to look askance at peo-

ple who say that of course there is not much to law cataloging because so many of the books come in sets. Two peculiarities take credit for most of the trouble: frequent changes of title and rapid production of unindexed monographs in series.

The *A.L.A. Catalog Rules* recommend cataloging serials with split titles under the latest form, with "see" references from the older titles to the current one. The consequence is recataloging and reshelving with each change. You learn, in library school, that one must know the fundamental rules of cataloging but that intelligent modification to fit the circumstances in a particular library is considered something of a virtue. In law libraries, modification of the rule governing title changes is probably generally accepted, or, if it isn't, should be. There are two solutions: cataloging the serial under its first title and leaving it there, with only "see" references from newer titles, or splitting the cataloging by closing out each entry with the final issue of the old title and treating each new title portion of the set as a separate unit, with appropriate cross-references. The first solution is easier on the catalog department. The second is easier on the circulation staff and on open-stack patrons, because few law libraries shelve periodicals (the most frequent title change offenders) by classification and Cutter-number but rather alphabetically by title, and those who would use a volume go to that portion of the alphabet related to the citation at hand. Thus, an *Index to Legal Periodicals* user who finds a reference to the *University of Pennsylvania Law Review* will gravitate toward the "U" section or will cause a page to gravitate there. Neither of them, finding a dummy saying "see American Law Register", is going to be thinking about the work this system is saving the cataloger. Their annoyance and the amount of time wasted per wrong try is just as great under the A.L.A. rule system, but the smaller incidence of need for the older title, with consequent referral to shelving under its newer form, makes its cumulative effect less troublesome. The solution, in law libraries, may be a combination: leave-it-under-the-original-title cataloging, at least until the serial comes to an end, and split-title classification, shelflisting, and shelving. More detailed and more authoritative suggestions can be found in C. Sumner Spalding's *Keeping Serials Cataloging Costs in Check* in 1 *Library Resources and Technical Services* 13-20 (Winter 1957).

The second most troublesome aspect of serials, that of the problem of the inadequately indexed monograph-in-series, is more difficult to solve. Legislative council reports, state legislative committee reports, and governmental research bureau studies grow in importance and frequency, and few cataloging staffs can afford to analyze them so that they can be found through the library's catalog. There is a current checklist of these materials, but its distribution is restricted to legislative agencies; even if the restriction is lifted, as we hope it will be, its noncumulative form makes it unlikely that it could be used as a checklist-index substitute for cataloging. The *Monthly Catalog of United States Government Publications* can substitute

for the cataloging of Congressional hearings and reports but only because the user has other means of determining subject matter and approximate date of publication. Some of us have begun index-checklisting state legislative materials on an experimental basis, using punched cards or clipping and pasting purloined legislative checklist entries on subject cards, but, so far as we know, no one has made progress on a cooperative basis. If law librarians are to help make ripples in the puddle of documentation, this might be the place to start.

How Shall Your Serial Check-in File Be Arranged? Shall the cards carry bibliographically correct entries in the form used in the *Union List of Serials* (for example, National Association of Referees in Bankruptcy. Journal), or headings which conform to the current issue cover (Journal of the National Association of Referees in Bankruptcy), or which follow the abbreviations in the *Index to Legal Periodicals* (Ref. Journ.)? In library school, you will learn that there is no inflexible rule, that the decision should be governed by the needs of the people who will use the file. If only the acquisitions staff is to use it, then the *Index to Legal Periodicals* form will be immaterial; if the circulation staff and the public use it to check on holdings and location, most of their citations will come from the *Index*, and it then makes some sense to arrange the file accordingly. Either class of users will be inconvenienced at times if your decision favors the other class. It is well to consider the fact that the acquisitions staff is less likely to be completely nonplussed by this sort of inconvenience than the public. The acquisitions staff is more familiar with cross-references, and, in the event there is no room in the file itself for cross-references, is more apt to consult a list without grousing than is the public apt to consult the *Index's* table of abbreviations (with or without grousing).

If your serials record is not public, you probably will leave it to the circulation staff to translate abbreviations used in the *Index to Legal Periodicals* when the occasion arises, and choose for the acquisitions staff, between the bibliographically correct and the cover entry, on a basis of who is going to do the checking-in. Untrained and temporary people will have less trouble with the cover entry; untrained permanent people can learn the bibliographic rules and professionals have a liking for them.

Shall your serial record serve only as a record of receipt and holdings of current serials, or shall it include too payment and binding records? Here again, much depends on who is to make the entries. In libraries where the same person does both, the combination record is more efficient. If the work load and staff schedule are such that different people will be getting in each other's way trying to use the same file, a divided record may be preferable.

Highly recommended reading, even if serials trouble has not yet occupied much of your attention, is Osborn, Andrew D., *Serial Publications: Their Place and Treatment in Libraries.* Chicago, American Library Association, 1955. 309 p. It will give you ideas you did not know you needed.

The Respect for Detail. This, learned in library school, is almost a

matter of attitude, an attitude worth cultivating. If you are impatient of detail, then you are in the wrong profession; if you are merely careless about detail, you can learn. You can learn that writing things down is worth a volume of talking—when the demand for a particular book gets too great, you write an initialed and dated note to the order librarian; you do not stick your head in his door and discuss it with him while he is checking invoices. You learn to label things and date them; your lists of "Books in the Library Dealing with Bankruptcy" indicate what library and as-of-when, so that it will be of some use to others later. You stop overestimating the power of your memory and underestimating the value of miscellaneous information. For example, if you receive a letter saying that a requested item is out of print but will be sent when reprinted, you note the information and the source and the date on your order record, both to prevent a premature claim and to provide a citation of authority if (as often happens) you have to ask again. You learn to record decisions and to record them in the place where they will do the most good. For example, a decision to route a certain set of advance sheets after displacement to a certain person for clipping —perhaps you can remember the decision, if you do not make many, but your successor will not, so it should be written down. The person who shelves the bound volume is usually the one who discards advance sheets, so you record the decision on the bound volume check-in file and expect him who sends through each volume to send along a note of instruction. Otherwise, unless everyone on your staff is a genius, some of those advance sheets will get thrown away, or the processor will keep popping in and saying, "What was it I was supposed to do with this?" You will learn to label the questions you ask of those who are as busy as you are, *e.g.*, you learn not to send to the catalog department, for cataloging, a 1957 report bearing the bare inquiry, "No record of 1956. Did we get it?" If you did not learn it in library school, the catalog department will be doing you an educational favor in sending your note back to you with a "yes" or "no" answer.

This habit of writing it down, and the widely accepted use of signals for deadline and claiming reminders, seems to make librarians more dependable than they otherwise might be. If one of them tells you he will do something by a particular time, it is probable that if he does not keep his promise it is not because it slipped his mind. The same results do not follow so universally from other types of professional training.

It would be pleasant to be able to observe that library training leaves one a satisfactory and reliable correspondent. We are not able to observe an established pattern. There are some lawyers, and some librarians, and some with neither or both kinds of training, who always can be depended upon to respond to civil inquiry, and there are some whose habits make a prompt answer as likely if you tack the letter to a tree outside your window. For this problem, there seems to be no solution. It is something you will not learn in library school.

Introduction to Law

by Austin W. Scott, Jr., *Professor of Law*
University of Colorado

According to my instructions, I am to assume that—though you may know all there is to know about law books—you have not had legal training. This talk will therefore be very elementary; it consists for the most part of what I tell my first year students in their first two or three days of law school. With them I discuss the basic principles of the Anglo-American system of common law. I shall borrow heavily, as I do with my students, from that excellent book by Columbia Law Professors Dowling, Patterson and Powell, *Materials for Legal Method* (2d ed. by Prof. Jones, 1952).

Two Forms of Written Law

In the Anglo-American legal system written law is found in two forms—case law and legislation.

Case law is the result of official hearing and deciding of particular disputes between parties who are at odds with each other. *Courts* decide such disputes. Often there are disputed questions of fact to be decided, as where the defendant, who ran his automobile into the plaintiff's car, claims he was carefully driving at 20 miles per hour with his eyes on the road, and the plaintiff claims the defendant was driving at 40 m.p.h. with his eyes on the scenery. If there is a jury, the jury decides what the facts are; otherwise the judge will decide the facts. But in either case the judge must decide what is the law to be applied to those facts. When judges write up a case in the form of a written opinion (setting forth the facts as found by the jury, or by the judge alone if there is no jury, and spelling out what the law is and the reasons why that is the law), and when that opinion is published in book form, we have written case law which lawyers and courts for generations to come may use.

But courts are not the only ones who decide disputes, because *administrative bodies* (without juries) do it too. Thus if a railroad company wants to run a new line for freight and passenger traffic between Denver and Omaha, it must apply for permission to the Federal Government's Interstate Commerce Commission. An existing railroad with tracks between those two cities objects to competition from the new railroad and urges the I.C.C. that it can handle the traffic. The I.C.C. decides between the two, and when it writes up its opinion (published in the I.C.C. reports), we have case law, not of the judicial variety but of the administrative type. There are a variety of state and federal administrative agencies which decide disputes; insofar as they write up and publish their decisions, we have case law which lawyers may use. We may note that with some topics of the law

administrative bodies play a larger role than with others. Thus a good deal of labor law and public utilities law of the case law variety is made by administrative agencies, but ordinarily disputes concerning contracts, torts and property rights are decided by courts. Of course, if a court or administrative body decides a case but fails to write it up, or, if it writes it up to show the disputing parties and this written opinion is not published, the decision can hardly be said to be a form of written law, since lawyers cannot find it to read it.

From what has been said, it is obvious that a judicial or administrative decision cannot be said to constitute written law unless the decision is both written and published. In general, most states do not publish decisions of the lower courts; all states publish the decisions of the appellate courts. Some administrative bodies have their decisions published; others do not.

The term *"legislation,"* as used in the expression "written law is found in two forms, case law and legislation," is used in a broader sense than its more usual narrow meaning of "statute" law; it includes all forms of law which lay down general rules of conduct applicable to all persons, rather than law which is made in the course of deciding particular controversies (case law). As thus broadly defined, legislation includes constitutions (federal and state); statutes (federal and state); regulations issued by administrative bodies (federal and state) pursuant to authorization by the legislature; and municipal ordinances issued by the local governing bodies for cities and towns.

From a law librarian's viewpoint, most written law (in volume) is case law. But from the point of view of the lawyer, it cannot be said that either form is more important than the other. We may note that some topics of the law are found mostly in the form of legislation (*e.g.*, the law of income taxation; criminal law), whereas other topics are primarily case law subjects (*e.g.*, torts; contracts; property), developed by the courts without much aid from the legislature.

Unwritten Law

Is there any law besides written law? What if a new problem arises for the first time, and there is no legislation dealing with this problem, nor is there any prior case in point? What do courts do?

New York City was having a severe drought a few years back; its reservoirs were drying up. The city fathers decided to do something about it, so they hired a rainmaker to seed the clouds over the Catskills to make the rains fall and fill the mountain streams and thus the city reservoirs. The rainmaker did seed the clouds over the Catskills, and it did rain, and the reservoirs were filled. But it rained so hard on a hotel in the Catskills that its guests left en masse to spend their vacations in some less dreary spot. The hotel proprietor sued the rainmaker and the city for his loss of revenue. Are they liable to him? There was no statute dealing with liability for rainmaking; and there was no case in point from New York or indeed from any other jurisdiction. Rainmaking was simply too new. Did the court throw up its hands and say it could not decide the case

because it could find no law? No. A court can decide a new case in the way it thinks justice requires, having regard to the good and bad social and economic consequences which might flow from its decision one way or the other. (In this case the court thought (1) the hotel proprietor did not prove that the rainmaker made the rain fall; and anyway (2) the good that the rainfall did to the public outweighed the harm it did to him; and so the hotel operator lost the case.) There is something of a dispute among legal philosophers as to whether courts when deciding new cases are "discovering" pre-existing law or are actually "making" new law. Whatever the view one takes of what the courts are doing, they do go ahead and reach a decision. This power to decide new cases is a basic premise of the Anglo-American common law system. Once the case is decided and the decision written up and reported, we have written law in the form of case law, of course.

Case Law—Basic Principles

I shall spend more time today on case law than on legislation, not because case law is the more important, but because the workings of case law are more intricate. All civilized nations of the world utilize legislation, but case law is primarily a product of the Anglo-American legal system.

"The two-fold function of a judicial decision." What does this expression, which the Columbia professors use in their Legal Method book, mean? Suppose a court decides a dispute between Jones and Smith involving Smith's liability to Jones for a bite administered to Jones' leg by Smith's dog. The case is reported in the books under the name *Jones* v. *Smith*. By deciding the case, the court is doing two things. First, it is deciding which person wins and which loses—a matter of great moment to Jones and Smith and their lawyers and to a lesser extent their friends, but of hardly any importance to the rest of the world, who do not know Jones and never heard of Smith. Second, it is establishing a precedent for the future—a matter of much importance to lawyers generally and to dog owners in particular, though they never heard of the litigating parties. The case of *Jones* v. *Smith*, once it is reported, has become part of the law. Expressed in a little different way, case law is a by-product of dispute-settling. Of course, for lawyers and the public in general the by-product is far more important than the main product.

Stare Decisis. The basic Anglo-American common law principle that courts in deciding disputes should follow precedents (where there are precedents) is known by the Latin term *stare decisis* (to stand as decided). What are the philosophical reasons why courts follow precedents? First, we all share with judges the fundamental notion of justice that like situations should be decided in like ways. Secondly, it is important that the law should be stable and predictable, so that lawyers can advise, and clients act, with some assurance as to what are the legal consequences. Perhaps a third reason, though less important, is that judges who follow the law contained in precedents do not have to work so hard in deciding a case as if

they had to figure out what the law should be from scratch.

In spite of all these nice things that can be said for *stare decisis*, once in a while courts think that a precedent is so bad that it ought not to be followed. Perhaps the original decision was all right as of the time it was decided, but times have so changed that it is no longer good law. Or perhaps it was originally decided wrongly. In the comparatively early days of railroads and automobiles, Judge Holmes decided that a car driver who did not at a railroad crossing get out of his car and sight along the tracks, before climbing back in and driving across, was necessarily himself guilty of negligent conduct. If this decision was correct in the early days (which may be doubted), it is clearly no longer good law for modern times. So courts no longer follow this precedent. Instead they have "overruled" it. In more recent times the United States Supreme Court has overruled its earlier precedents to the effect that "separate but equal" treatment of Negroes by states in the area of public education satisfies the United States Constitution.

No doubt courts of different eras take somewhat different views of the strength of the doctrine of *stare decisis*. Courts of the 20th century seem to feel less bound by precedents than their 19th century predecessors. Yet even today courts generally do follow precedents; they overrule precedents only once in a blue moon.

Perhaps at this point the difference between the words "overrule" and "reverse" should be mentioned. A court in the case of *X* v. *Y* may "overrule" its *earlier* case of *A* v. *B*. An appellate court may "reverse" the decision of a lower court in the *same* case; thus if the trial court in *A* v. *B* decided for the plaintiff A, and B took an appeal to the appellate court, the latter might, in the same case of *A* v. *B*, "reverse" the lower court's decision. Sometimes the word "reverse" is used in place of "overrule," but strictly speaking the two terms mean different things.

"Binding" v. "Persuasive." Here we deal with another important pair of words, signifying the weight which different types of precedents carry with courts. It is only where a precedent is "binding" that it must be followed; though even here when we say "binding" we mean "99 per cent binding," in view of the fact already mentioned that courts do sometimes (perhaps one per cent of the time) overrule a binding precedent.

A precedent from the same court or a higher court in the same jurisdiction is binding on the same or a lower court. Thus in Colorado, where the Supreme Court is the highest court and the District Courts are lower courts, we would say that a decision of the Colorado Supreme Court is "binding" on the Colorado Supreme Court and all the Colorado District Courts. Precedents from other states are merely "persuasive," so that a decision by the Supreme Court of Utah has only a persuasive influence in the Colorado Supreme Court or Colorado District Courts.

Of course it is sometimes true that a court is persuaded by precedents from other jurisdictions to overrule its own binding precedents. Not long ago the Massachusetts court was faced with this problem. The Yardley shaving

people sold a defective jar of shaving cream to a drug store, which sold it to the plaintiff, who put it on his face and got a terrible rash. He sued the Yardley Company for its negligence in manufacturing the soap. A whole line of Massachusetts cases had held that a manufacturer is not liable for negligence to the ultimate consumer injured by the manufacturer's negligence when the manufacturer and consumer were not in "privity of contract" because they dealt through a retailer. Many other states had started down the same legal path, but, after Judge Cardozo pointed the true way, switched over to the view that lack of privity of contract is not a bar to the liability of a manufacturer for negligence. In the Yardley case the Massachusetts court was "persuaded" by all these cases to overrule its own "binding" precedents.

Decision v. Dictum. One other matter should be mentioned in connection with the words "binding" and "persuasive." A court which decides a case and writes an opinion which is reported may state a number of legal rules in the course of its opinion. A rule of law which is essential to the decision of the case is called a *decision;* any other statement as to the law which the court may make is called a *dictum*. The typical reported opinion contains statements of law of both types. Thus suppose a man, walking along the railroad tracks, comes upon an unconscious stranger lying across the tracks; a train whistle is heard in the distance; the train will soon be coming around the bend. Though the man could easily, without subjecting himself to the slightest danger, pull the stranger off the tracks, he simply goes on his way without stopping. The train duly arrives at the spot and cuts the stranger in half. The man is tried for murder. The trial results in his conviction, but the appellate court reverses his conviction, writing the following, after stating the facts as I have stated them: "The question here is the criminal liability of one for a death resulting from his failure to take action to rescue another in peril, where that can be done without danger to himself. A father owes a duty to act to rescue his minor child. A ship captain owes a similar duty to a seaman who has fallen overboard. A railroad gateman has a duty to warn oncoming motorists of the peril of an approaching train. Death ensuing from failure to act under such circumstances will result in tort or criminal liability. But in the absence of some such special personal (as between father and son, captain and seaman) or contract (as between a railroad and its gateman) relationship, there is no duty to take affirmative action to rescue another person in danger. The conviction must be reversed." The decision of the case is limited by the question which was before the court—here the *criminal* liability of one who fails to act to rescue a *stranger.* Statements of the court about tort liability, and about the liability of fathers and sea captains and gatemen, are only dicta, because they were not in any way involved in this case.

The point to note is that not all things a court says are entitled to equal weight in deciding later cases. A decision is "binding," but a dictum is only "persuasive." The reason for this doubtless lies in the notion that what

a court has to decide it thinks about very hard; but it can toss off dicta with much less feeling of responsibility because dicta cannot affect the very case the court must decide.

The result is that a dictum by the Colorado Supreme Court is only persuasive on the Colorado Supreme or District Courts in later cases. A dictum by the Utah Supreme Court is perhaps still somewhat persuasive in Colorado, but yet less persuasive than a Utah decision would be, having a sort of persuasiveness twice removed.

Persuasiveness of Foreign Precedents. Though we have seen that decisions of courts from other states are persuasive, what does a court do when there are persuasive precedents pointing in directly opposite directions? Suppose the Colorado court is faced with a problem which has never arisen before in Colorado, though courts of other states have dealt with it and decided it. But New York has decided for the plaintiff, Alabama for the defendent. Which view will persuade the Colorado court? What makes one persuasive precedent more persuasive than another?

Many considerations go into solving this problem. Other things being equal, the court is more apt to follow the weight of authority than the minority view, so that if ten states are lined up one way and two the other, the Colorado court is likely to line up with the majority point of view. But sometimes the authority from other states is evenly divided, say New York one way, Alabama the other. Some courts have a better reputation than others; perhaps other things being equal Colorado might lean toward the decision of the New York Court of Appeals in preference to the view of the Alabama Supreme Court. Sometimes the reputation of the particular judge who wrote the opinion is outstanding, in which case that fact might entitle his view to a little added weight. That is surely true of judges like Holmes, Cardozo, Brandeis and Learned Hand and some others. Another thing Colorado might consider is the place of the New York and Alabama courts in the court structure of those states; thus a New York Court of Appeals decision is generally entitled to more weight than a decision of the New York Supreme Court, Trial Term, or Supreme Court, Appellate Division. Another consideration is whether the opinion was a regular full written opinion by a member of the court, or a briefer *per curiam* opinion, or a still briefer memorandum opinion; in general the latter types are weaker precedents than the former type. Other things being equal, later decisions speak with more authority than earlier opinions, especially when the issue is one of a rapidly moving field of law, like income taxation, rather than an older and more established field, like property law. It may be that certain areas of law are more important in some regions of the country than in others. Colorado might logically pay more attention to Texas cases on oil and gas law than to New York cases on that topic, even though perhaps New York courts may generally enjoy a higher reputation than Texas courts. Other things being equal, the closer the precedent case is on its facts to the Colorado case now before the court the greater persuasiveness it would have.

But in the end, the persuasiveness of a case from another jurisdiction depends upon its intrinsic value—its soundness on principle, the insight which the court displayed in its considerations of public policy, the wisdom of the result it reached and the validity of the reasons it gave.

Distinguishing Precedents. When the Colorado Supreme Court has a case to decide, and there is an earlier Colorado Supreme Court case with substantially similar facts, we have seen that normally the Court is "bound" to follow it, although once in a blue moon it will "overrule" it. But there is something it may do in between following it and overruling it; it may "distinguish" it, and thus refuse to follow it without overruling it. No two cases are alike in all respects—they almost necessarily involve different plaintiffs, different defendants, different dates, different locations and so on. The question is: what are the differences that should make a difference?

In 1950 B's dog Rover bit A, a milkman who was delivering milk to B's house in Denver, Colorado. A sued B in the Colorado courts. B won in the Supreme Court, in a case entitled *A* v. *B*, which case held that a dog owner in B's circumstances is not liable to the bitten milkman.

In 1957 Y's dog Fido bites X, a mailman who is delivering mail to Y's house in Colorado Springs, Colorado. X sues Y. Should Y win because B won in the case of *A* v. *B*? Or are the cases different enough so they can logically reach opposite results? No doubt they are different. The events arose in different cities on different dates. One victim was a milkman, the other a mailman. One was bitten on the left leg, the other on the right arm. One dog was a boxer named Rover, the other a collie named Fido. But surely these are differences which do not justify different results, so that the court should either follow or overrule but not distinguish.

But suppose that in the case of *A* v. *B* the fact was that Rover had never before bitten anyone; but that it is shown in *X* v. *Y* that Fido had two months previously bitten a passer-by. Here we have a difference that might well make a difference. Perhaps Y, being on notice of Fido's unfriendly disposition, might properly be considered negligent in not tying him up, though the same could not be said for Rover's owner, who had no such prior notice.

Or suppose that, though in *A* v. *B* the animal in question was a dog, the case of *X* v. *Y* involved Y's pet tiger. Very likely the difference between dogs and tigers, so far as danger to the public goes, would justify the court holding that, though a dog owner is not liable for his dog's first bite, a tiger owner is liable for the first damage his tiger causes to members of the public.

Of course, sometimes courts purport to distinguish precedents on indistinguishable grounds. "We confine our decision in the case of *A* v. *B* to its peculiar facts," the courts sometimes say. The United States Supreme Court has held that money obtained by embezzlement need not be reported by the embezzler for income tax purposes. Later cases by the federal courts have held that money obtained by other forms of criminality—by stealing, by fraud, by extortion, etc.—does consti-

tute income for tax purposes. These later cases did not, however, overrule the embezzlement case, though on principle a different result is hard to justify as between embezzlement and extortion. Distinguishing on indistinguishable grounds preserves the form of *stare decisis,* although in substance it is much like overruling, the very opposite of *stare decisis.*

Res Judicata. An elementary principle of the Anglo-American common law system is that once parties have litigated a dispute to a final conclusion, they are not entitled to try again; the matter is *res judicata* (Latin for "the matter having been adjudicated"). This is so even though the matter was wrongly decided. Thus suppose the court decides in 1950, in the case of *A* v. *B,* that a tiger owner is not liable for his pet tiger's first bite, the court holding that the rule it had previously established for dog owners is applicable to tiger owners. Now in 1957 the court has to decide *X* v. *Y,* another tiger case; and recognizing now that the tiger is naturally far more dangerous than the dog, it expressly overrules the case of *A* v. *B,* holding that Y is liable to X. Now we know that A should have recovered damages from B. Can A, who lost his case in 1950, now sue B again in 1957?

The answer is no, because the *A* v. *B* matter is *res judicata.* Why does Anglo-American law adopt any such principle as *res judicata,* which may deprive a litigant of the opportunity to win a suit when he deserves to win it? The answer is that it is to protect courts from being flooded by new suits covering the same old ground and to protect winning parties from the harassment of having to go through the matter over and over again. Of course there is a competing policy the other way too, the policy that law suits should be decided correctly. The courts have simply picked what they think to be the stronger policy (here the policy of protecting courts and litigants) of two competing policies.

Whose Law is Important in a Particular State?

We have not yet asked ourselves specifically whose law—whether case law or legislation—may have effect in a particular state. What case law might the Colorado courts properly look to in order to decide a law suit; and what legislation?

Case Law. We have already seen that if a Colorado court has to decide upon a rule of law to apply to the fact situation before it, and there is no applicable legislation, it will first look to see if there are reported Colorado cases in point; if so, such cases are binding and will (99 per cent of the time) be followed. If there is no Colorado case, the court may properly look at reported cases in point from other states, which are persuasive authority but not binding. (Cases decided by the federal courts may also be persuasive, though once in a while it is true that a federal case may be binding on a state court. We shall not today go into this comparatively rare situation.) What if there are no cases in point from Colorado or from any other state in the United States? Would the Colorado court look to cases from any other country? What of England, Canada, Australia, France, Russia, Af-

ghanistan? Colorado might well get some help from those countries and commonwealths within the British Empire whose law, like ours, is based on the English common law. Our courts do not, however, pay much attention to the laws of the nations outside the common law system, though doubtless occasionally courts in the common law system have borrowed some good ideas from those nations.

Legislation. What legislation is important in Colorado? Of course the Colorado constitution, and Colorado statutes passed pursuant to the constitution, are binding on the Colorado courts. And a few of the provisions of the United States Constitution, and federal statutes enacted pursuant thereto, are binding on all the states, including Colorado. But Colorado pays far less attention to the legislation of other states and of other countries in the Anglo-American sphere than it pays to their case law. The following is a rather extreme example of this attitude.

A long time ago the English courts adopted the rule of law that one who negligently *killed* another was not liable to the estate of his victim, although if his negligence only *injured* him he was liable. This peculiar rule had its roots in ancient history and seems entirely unfair today. England abolished the rule by a "wrongful death" statute. All forty-eight American states did the same. But the Canal Zone, which is governed by the United States, never passed such a statute. A railroad negligently killed a person in the Canal Zone, and his estate sued the railroad. The railroad's defense was that the common law rule must prevail in the absence of a Canal Zone statute. The plaintiff argued that the legislation of England and of the United States indicated complete dissatisfaction with the common law rule, so that the Canal Zone court should not follow it. The court held for the railroad on the theory that it took a statute to change the rule elsewhere; there is no statute here; so the rule here is not changed. It seems that the court might have been so bold as to create a new common law rule, in view of the policy, indicated by the legislation from so many other jurisdictions, against the old rule. The case shows quite clearly the conservatism of the courts in using legislation from other jurisdictions to make case law decisions in its own jurisdiction.

Thus courts use case law from other Anglo-American states and countries much more readily than legislation from such jurisdictions.

Public Policy Underlying Case Law and Legislation

When a court, in order to decide a case, must determine as a matter of case law what is the proper rule of law to apply to the facts of the case, how does it go about deciding what that rule is, where it has a choice between several possible rules. It may be an entirely new situation, as in the rainmaker case we discussed. Or it may be a new situation in this state, with other states having conflicting views to choose from. (Of course, once the highest state court itself has established the rule, *stare decisis* generally prevents a change to another rule, as we have seen). A somewhat similar problem faces the legislature in de-

ciding what law to create by statute.

Case Law. A court faced with the problem of choosing the right rule of case law, from several possible rules, to apply to the fact situation in issue does not simply guess or flip a coin; it must do some hard thinking. It must ask itself: what will be the consequences (social, or economic, or physical) to the public if we pick this rule; what if we decide on the opposite rule; is there any in-between rule which will have better consequences? Frequently there are policy considerations pointing in opposite directions, in which case the court must weigh the opposing policies and pick out the rule which has the stronger policies behind it. Take this situation. All American constitutions, federal and state, provide in effect that police searching for evidence of crime must not break into a suspect's home without a search warrant. (The constitutions say nothing, however, about the consequences of a violation.) It may well be a crime for a policeman thus to act; he is doubtless also civilly liable for trespass. But suppose he does it, and finds in the house some stolen property or property which it is a crime to possess, like counterfeiting tools or a still. When the homeowner is prosecuted for larceny or for illegally possessing counterfeiting dies, may the prosecution introduce evidence of what the policeman found? There is a strong policy against illegal searches and seizures, and probably the most effective way to stamp out this wrongful police practice is to tell policemen: "If you do this, it won't do you any good; you cannot use any evidence you find." On the other hand there is a strong policy in favor of convicting guilty criminals, and we know very well from this evidence that this defendant is guilty of a crime. All courts agree that illegal searches and seizures are bad, but they differ on the evidence question, some emphasizing one policy over the other, and others vice versa. It is in situations like this, with almost equally strong policies pointing in opposite directions, that we are apt to find splits of authority. Where the policy reasons all point in one direction, we are apt to find the courts of different jurisdictions pretty unanimous.

All this shows that it is important for lawyers (and law students who expect to become lawyers) to do more than merely memorize already existing rules of law; they must have an understanding of the policy reasons underlying the existing rules. When, as so often happens, the question is the applicability of a rule of law to a fact situation a little different from the fact situation which gave birth to the rule, a lot depends on the policy of the rule. Is that policy equally applicable to this somewhat different situation? Or is this situation different enough so that the policy which was good for the original rule should not apply here? And of course when a lawyer must urge the court to create a new rule of law in order to decide a case in his client's favor, he must be able to think of good reasons of public policy why the court should adopt such a rule.

Legislation. Just as courts in making case law must consider public policy, so too legislatures in enacting statutes must deal with public policy. For lawyers and courts some knowl-

edge of the policy underlying the statute is important in interpreting the statute. Thus an old federal statute provided for a large monetary penalty for anyone who prepaid the passage of an alien to the United States to perform "labor or service of any kind" in this country. An American church prepaid the passage of an English minister to come and preach in that church. Did the church violate the statute? Literally, it would seem that it did, as a minister surely performs labor or service of some kind. But the court looked to the policy which the legislature had in mind—the bad situation it meant to cure—and concluded that that policy was to protect the American laborer from competition from cheap foreign manual labor. In the light of this policy, the court held the statute inapplicable to the minister situation.

Conclusion

The above discussion will serve perhaps to give some idea of the workings of the Anglo-American common law system. Nations outside this system are used to law in the form of legislation—indeed, that is about the only type of law they are used to. But in America and the various parts of the British Empire courts as well as legislatures play a part in creating law and in making the law meet the needs of society as a whole. One of the great virtues of the common law lies in its ability to decide any dispute, even disputes arising out of new situations which have never before occurred. Another is its flexibility, its ability to change with the times. No legal system has ever been invented which is quite like it.

The Law Library Staff Manual*

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Definitions

Before we start our discussion of a library staff manual perhaps we should be sure that all of us agree as to what it is. It is usually customary to begin a discussion with a definition of terms, and in our case this is particularly appropriate because the term "staff manual" does not always convey the same picture to all people.

Several weeks ago when I was attempting to assemble the collection of staff manuals that we have at this Institute, I asked the director of a university library if he maintained a staff manual. His reply was, "What do you consider a staff manual? We have several types of manuals in our library. Which one do you want?" His question was a natural one, for some libraries maintain a record of their technical processes procedures and call this record their "staff manual"; others have compilations limited to the history of the library and an explanation of its organization and policies which they call their "staff manual." A third library may combine the information in both these manuals and add much more and still this will bear the label "staff manual."

On the other hand, there are those who classify manuals more strictly and name them according to their contents. For these persons there are the following types of manuals, with an indication of the contents we would anticipate for them:

Policy and Organization Manual, containing policies of the institution and a description of its organization.

Staff Instruction Manual, supplying information and instructions necessary to *all* staff members.

Performance Manual, containing duties performed by a department, institution or agency and duties assigned to individuals of its staff, including a "scheme of service" showing lines of authority.

Procedures Manual, containing a record of a library's procedures and work routines.

Omnibus Manual, combining the

* *Introductory Note:* Those attending the Law Librarians' Institute were given mimeographed copies of an outline for possible contents for a library staff manual, a list of library staff manuals on exhibit at the Institute, and a bibliography on the library staff manual. The outline, the list, and the bibliography are reprinted as appendixes to this article. Reference is made frequently in the article to the outline and to the manuals on exhibit. The reader is referred to the appendixes for the outline of possible contents for a library staff manual and for information concerning the manuals exhibited at the Institute. The article contains references to statements, definitions, and expressed views of librarians and others. Citations for these references have been omitted as being unnecessary and redundant. In the majority of instances authority for statements etc. springs from writings listed in the accompanying bibliography. Sufficient identification is supplied in the text of the article to provide ready reference to the bibliography. The reader is referred to the bibliography as a key to authority not supplied in the numbered footnotes.

contents of several or all of the above manuals.

Although we recognize the justification for more precise classification, we shall join the ranks of those who use the broad term "staff manual" to cover the omnibus library manual, for that is the sort of manual we will be considering for possible use.

I searched for a satisfactory definition of our "staff manual" and discarded those I found in favor of a description of an "ideal" library manual by Miss Margaret Hutchins, of Columbia University School of Library Service. Miss Hutchins describes the "ideal" manual as "a ready reference aid to answering of questions with regard to methods of procedure," as "an interpretation of records and relations between all people concerned in the library" and further as "a compendium of information as to the purposes, policies and work of the whole library system." Even though we do not expect to attain an ideal manual, we can strive toward one; and we will bear this description in mind when we are trying to mentally construct our own manual.

Origins of the Library Manual

Now for a brief reference to the origin and use of manuals for those of us who are not sure that manuals are worthwhile and those who believe in them but are still plodding through additions and revisions to our existing product. The American library manual is, as you know, something of a newcomer. It has two possible sources of origin and both should encourage us. One is of great antiquity and learning and the other of top modernity and efficiency. The great university libraries of England and Scotland employed manuals for instructing their staffs at much earlier times than their adoption in American institutions. The most famous of these manuals is that of the Bodleian Library at Oxford.[1] There is seldom a two page article concerning manuals that omits mention of this remarkable compilation. It is of wide coverage and infinite detail—so much so that its describers have referred to it variously as containing instructions on "keeping an extra pair of shoes and stockings in the library or for winding the clock."[2]

It may be impressive to those who work on manuals to know that libraries of such tradition and renown also find it important to their operation to record directives and procedures. It may be even more impressive to those of us who wish to combine the best tradition of libraries with the efficiency of business concerns (and who of us does not) to know that these manuals we labor to prepare in our libraries have long been in use in some of America's biggest corporations and industries.

The business world calls its manuals "Rules Books," "Employees Handbooks," "Job Manuals" and "Department Manuals." These manuals are used by banking institutions, A. & P. chains, aircraft industries, and many other organizations for developing standard practice for all routine work, for explaining company policies, for describing company products and for

1. OXFORD UNIVERSITY. BODLEIAN LIBRARY. STAFF MANUAL (1913-date).

2. Koch, *The Bodleian at Oxford*, 39 LIBRARY JOURNAL 739-746; 803-810 (1914).

supplying the history and statistics of the company as a whole.

Miss Linda H. Morley, when discussing the American library manual, considered it a possible outgrowth of this business source. But whether or not business manuals are the forerunners of our library tool of like nature, no one who studies them will doubt their adaptability to our library needs. The literature on the business manual is very prolific and language employed in it is simple and understandable. Books on office management and practices contain chapters on office manuals and there are separate publications telling how to prepare business manuals of various types. The bibliography prepared for your use includes such works. I recommend them as background reading for anyone working on a staff manual.

Purpose and Use of Library and Business Manuals

We now know that we are in step with great institutions and business tycoons in using a manual to help us run our libraries. However, this reassurance that we seem to be doing what is right is not sufficient. Let us find out the reasons these institutions and businesses have for making and using their manuals.

The purposes and uses of library and business manuals are set out in print for us to read. If we consider them, they may help us to test whether we need a manual and if so what our own manual shall contain, what shall be its form and time for revision, and who should be its compiler or compilers. Only if we have clearly in mind what a manual will do for us can we have any assurance that our time spent on it will not be spent in vain. Nothing could be more foolish than to decide that we in our libraries must have a staff manual because the Bodleian Library has one or because Lockheed Aircraft Corporation presents a variety of little manuals to each of its thousands of employees as they are recruited into service.

Here are some of the purposes and uses businesses and industries ascribe to their manuals:

General Purposes and Uses:

Orients new employees into service

Explains company objectives and policies

Explains the organization as a whole and describes duties and responsibilities of various departments

Sets up procedures for performance of duties

Avoids constant repetition of instructions commonly used

Fixes responsibility for performance of certain duties

Written rules and instructions given to employees fix responsibility for the manner in which they are carried out

Purposes and Uses as to Supervisors:
(Supervisors in business units aid in drafting job manuals.)

Collecting information in the manual helps the supervisor to fulfill his own job and his own responsibility, as supervisor and administrator

Acts as a reviewing device for better organization of work, simplification of procedures, development of standards of performance

Aids in selection, promotion and rating of employees
Necessary discussions with employees promote spirit of helpfulness and serve to explain objectives of the organization

Purposes and Uses to Employees:

Gives worker confidence that he knows what is expected of him and how the boss wants it done
Aids worker to cooperate spontaneously
Makes worker realize he is not a cog in a wheel but one of a group
Gives worker a clear purpose and thereby promotes initiative

Management Uses:

Useful when decisions must be made on operating problems
Contributes to improved company organization and planning
Helps in development of programs
Aids in merit rating, salary standardization, testing, and training and all phases of worker-management cooperation

This is a rather imposing array, and if business manuals live up to what is anticipated of them it is easy to see why they are prepared, printed and distributed at such a considerable cost. I think that we must presume that they do, in the main, live up to expectations or they would not have survived and flourished for so many years.

The list of benefits of library manuals is almost as lengthy as that I have just read and claims for it parallel those for the business manual in many respects. These are the major reasons why a library manual is worth undertaking as these reasons are stated in the introductions to some existing manuals and in writings on manuals in library literature:

From Library Literature:

Presents the library in perspective to librarian and staff
Promotes a complete understanding of library organization and how it works
Clarifies each routine through showing its relation to whole process
Aids in standardization without destroying initiative
Coordinates staff activities
Prime source for answering, "What do librarians do all day?"
Presents a clear picture of intricate business of running a library
Record of work routines and procedures is essential timesaver in small library with rapid turnover of librarian and untrained personnel

From Introductions in Library Manuals:

Helps each staff member obtain a more comprehensive idea of the processes of the library as they fit into the whole system
Records, for the benefit of new assistants, policies, techniques, and procedures utilized in performance of the department's work
Provides general information about the library as a whole, distribution of its materials, etc.
Encourages further self-development and general education of new assistants
Familiarizes with library policy,

knowledge of local situations, and the library's objectives

I believe that those of us who have worked on library manuals and made use of them would feel these claims are justified. Speaking for myself, I saw many of the benefits claimed for both business and library manuals when I participated in the preparation of a library staff manual. Such a project can do more to coordinate staff members, to provoke their thoughts as to the functions of the organization of which they are a part and of its relation to its patrons and the community, and to inspire and execute proposals for more efficient procedures than a dozen directives and staff meetings. It is my belief that, in some instances, the project of preparing a manual may benefit the library as a whole to such an extent that the operation of making the manual would be justified by this benefit even if the manual itself were placed on a shelf and never consulted by the staff who compiled it.

Let me explain my thinking in making such a statement. If a library staff is able and consciencious and the manual is a joint staff effort, this effort may become a sort of "survey" of the library, conducted by "experts" who are in a position to carry out their self-made recommendations. Obviously, in such case, any "recommended" procedures will be installed, and hence these tangible benefits. Equally important to the library is the overall picture of it the staff derives from writing the manual and the understanding of its purpose that becomes implanted in their minds as they hammer out statements of library objectives and policies. This latter benefit is a lasting one for the library, though it cannot be enclosed between the covers of any manual. A library that has a staff which has been so "indoctrinated" is truly fortunate.

I hope all these tributes to library manuals have put us in proper frame of mind to undertake the compilation of our own manual and to consider possible contents we would include in it. The subject of contents is one on which no one can speak dogmatically, for what should be included or excluded from a library staff manual can be best decided by the librarian and staff of the library in which it will be used.

The outline of possible contents of a library manual* will be the basis of our discussion of manual contents. It is a composite of manual outlines that have appeared in library literature, plus features from manuals in the collection on exhibit** and a sprinkling of my own brand of contents. The overall result is not a model outline and it was not intended as such. The contents you have in outline form are offered as a spur to thoughts about your own manual. It is expected that you will select and reject from the outline and that you will rearrange the contents you choose in a manner best suited to your possible use of them.

Preliminaries to Manual-Making

We have defined and classified the library manual, explored its history and origin, and recounted the uses of

* The reader is referred to appendix I for the outline of possible contents of a library manual.

** The reader is referred to appendix II for a list of library staff manuals exhibited at the Institute.

manuals of the business and library worlds. We now come to the practical part of our discussion, the consideration of our own library manual.

We said earlier that we would not decide to make a manual for our library simply because the Bodleian had one or because business and industry use manuals. Instead, we weighed the claims these institutions made for their manuals in the light of the needs of our own libraries. The thoughtful approach that was involved in our decision as to whether to have a manual will be the best approach when we get down to the actual business of making it. We are going on a long journey when we undertake to make a manual, and we want to know just where we are heading before we start. Outline-making is the time for deciding on an overall plan for our manual. Making our manual outline is thus a very important step.

But before we proceed to the decisions that will be involved in making our outline, let us establish that making up our minds where we are going in our manual, and how, does not commit us to an irrevocable contract to follow slavishly the outline we make. We do not believe that we must neither add nor subtract a single outline item decided upon. Nor do we believe that each item on our outline must be attacked in the order listed, with the last item finished at a certain deadline. We know that changing cicumstances, or our own change in judgment, may alter our outline in various respects. We know also that the size of our staff and the priority of other projects of our library may dictate when the items on our outline can be prepared. But these we consider matters of "procedure" rather than of "substance", as respects manuals.

But while we know it will not matter, when our manual is complete, whether we attacked the section on technical processes before the section on the library budget, we believe that the quality of our manual and its future usefulness may be affected by lack of thorough consideration of what is to go into it and how its contents are to be treated and arranged. We believe serious exploration into the purpose of our manual and an analysis of possible contents it should contain will produce a better manual. And a better manual repays the maker when it has been put into use.

Our thoughtful approach to making our manual is going to involve some questions of this nature. Do we believe a staff manual is the vehicle for explaining the background and purpose of the library to its existing and future staff? Do we believe that when describing certain procedures in our manual we should give the reasons for the steps in the procedure we are describing? Do we believe that the so-called "inspirational touches" in library manuals are likely to be beneficial and that a staff is inspired by them to better work? Do we believe that *we* will do *our* own job better because we explored our library's function or stated our beliefs as to library service in "inspirational touches" for the consideration of our staff?

The answers to the above questions will involve our "manual philosophy", as well as our judgment as to what will be useful in our library manual. Both factors will enter into our choice of

contents for our manual. On my part, I have a "manual philosophy", but I would not presume to suggest what yours should be. I do not consider that to be my role here today.

The decisions will be yours, but it may assist you as we consider the contents on the outline if I suggest some of the things they represent in different types of law libraries. Some of the items on the outline do not need to be enlarged. There are others that involve the philosophy or viewpoint which I have mentioned. On these I will tell you the views of some writers on manuals. I will also point out manuals in our exhibit that contain contents we are discussing.

Before we cover the outline, I have one suggestion to the librarians of libraries with small staffs. I am in that class myself. I urge you not to approach these contents with a preconceived idea that there is a certain type of manual that is suitable for a small library and another type suitable for a large library. I suggest that you choose for your manual the contents that your imagination and experience tells you will help you to do your job and will help your library to give more efficient service. Do not let the size of your staff prevent your adding an item to your outline. The fact that you cannot prepare a certain item in any forseeable future does not mean you cannot include it in your outline.

You may have this experience. Placing an item on your outline may actually create it in rough form for your manual. Once you have placed an item on your outline you become conscious of it, and an amazing amount of data you previously never thought of in connection with your manual suddenly appear obvious manual data. A brochure, a report or study, or the minutes of a meeting may contain a history or policy decision you need for your manual. A phone call informs you of the source for securing surplus furniture or prision-made library signs. You record the conversation and file this rough draft in the file of raw material for your manual. Long before the raw material has been polished and typed for your manual you have used it for a second or third call for surplus furniture. In the process you have probably saved the time it will take to type that data for your manual.

Discussion of Possible Contents for a Library Staff Manual

We will now consider, section by section, the outline of possible contents for a library staff manual.

Section I. History and Organization of the Library. The items in this section are self-explanatory and I believe of unquestionable importance. The only question that may arise is whether such data belong in a staff manual, since they may appear in many other places. Certainly, in a university law school the history of the law library and the institution of which it is a part will be included in the university and law school catalogs. However, these accounts may be too general or not arranged to answer questions most frequently asked. Hence whether in law school or other type law library, if there are existing histories of the library or its parent institution, we may want to include these *in toto* in our manual, clip them and place them there, or if it seems more practical, in-

corporate them into our manual by reference.

Those who are not fortunate enough to have inherited a readymade history have probably shared the experience described by Betty LeBus, of Indiana University Law Library. Her library had many questions on its founders and former librarians and for "historical" data. The library staff answered such questions and promptly forgot them and had to repeat the search the next time they were asked. Finally, as a timesaver, they compiled the library's history and filed it in their manual.

An understanding of the organization of the library is absolutely essential in administering it. The librarian of a bar association library must know to whom she is responsible—the officers of the bar association, a library committee, or perhaps a combination of these, dependent on the duty she is performing. In the university law library there is always the question of the relation of the library to the dean of the law school and to the director of the university's library system. In the firm library, state library, or court library, there will be similar overlapping relations and responsibilities. A diagram illustrating these and a clear explanation of them seem proper contents of a staff manual.

Section II. General Regulations and Plan of the Library. Information in this section is also obvious and it is strictly routine in nature, but we may have frequent occasion to check what will appear here. Holidays and building rules often become a matter of public relations. Woe to the library that fails to give notice that a holiday is imminent and the inclusive dates that its doors will be closed. The legal patron is not too favorably disposed to a closed library door, and it is well to prepare him for it and to quote authority for our action in closing it.

Any library assistant and successor-librarian will be grateful for an alert on this delicate subject. The Manual of the Hartford Bar Library Association has a concise statement regarding holidays, including a reminder that all notices should cite statutory authority where such is involved.

Section III. The Library—in General. For me this is a section involving the combination of the librarian's "manual philosophy" and her judgment of what will be useful in her staff manual. We should probably all agree that careful thought as to a library's functions is necessary if library practice is to be made to conform to them. And we would be likely to agree that a clear understanding of the library's functions is a necessary background for sound policy decisions. Our book selection policy, our loan policy, priority as to requests for library service—these all involve our thinking on our library's functions.

I am convinced that, consciously or unconsciously, librarians do a lot of thinking about their library's functions, but I have found manual statements on library functions and purposes very brief. The Manual of the Reference Department of the Enoch Pratt Free Library of Baltimore, a public library, is an exception. Its section on "Functions, Scope and Development" will serve as an example of coverage of contents of this nature. I call your attention to the manner in which the manual contents are pre-

sented. Its compilers would seem to be believers in the philosophy that they and their staff will do a better job if they explore the functions of their Department in its staff manual. In this tool, they give reasons why the Department does the things it does and they include "inspirational touches" throughout its pages.

This Reference Department Manual of the Enoch Pratt Free Library is a departmental manual of a library whose staff manual[3] is as famous and as much written about as the Bodleian Manual. Its joint compiler, Miss Mary N. Barton, Head of the Department, has taught at Columbia and Drexel Library Schools. In addition to the Manual's section on "Functions", its section on "Reference Procedures", its "inspirational touches", and particularly its readings lists for the Reference staff that appears throughout the volume have much to teach us.

Section IV. The Library—Policies. This is a section at which we may hesitate both on the question of inclusion and length of coverage, if inclusion is determined. For your consideration on this point, I offer that all business manuals have sections devoted to policy and larger businesses have separate policy manuals. Neuner and Haynes, in their chapter on "Manuals" in their third edition of *Office Management* (1953), state that to be of greatest value an office manual must give information regarding the policy of the department the manual is intended to serve. In order to supply this information, decisions, resolutions, and pronouncements of the Board of Directors are included in the policy sections of business manuals.

On the library side, E. H. Speer has written an article entitled *Plea for Policy Books.* In it he urges the use of more policy manuals in libraries. Undoubtedly, Speer would have us include in our manuals most, if not all, of the items under Section IV.

My own experience bears out Speer's. I have found few policy statements in manuals assembled in our exhibit. If this dearth is due to lack of time for preparing policy sections, rather than a disbelief in their necessity, the business practice of placing actual Board resolutions, minutes, etc., in the policy manual is worth considering. A library staff meeting in which policy is discussed could be recorded by a staff member and filed in the library's manual. The book selection policy statement of the New Jersey State Law Library consists of a summary of staff discussions on this subject.

There are several other items listed in Section IV that are important. The average law library has an order of precedence in which it provides library service. A staff manual is an appropriate place for recording this policy. In special types of law libraries the order of precedence of patrons is particularly important, as with state law libraries which have heavy demands from out-of-state inquirers and agencies. The New Jersey State Law Library's staff manual contains a "patron list", and it and the Nevada State Law Library's staff manual contain statements concerning the confidential relationship between their library staffs and official patrons.

3. ENOCH PRATT FREE LIBRARY, BALTIMORE. STAFF INSTRUCTION BOOK (1935). (A complete revision of the Enoch Pratt manual is in process as of June 1957.)

The Speer article on policy manuals points to the fact that no new staff member, however highly trained, will be informed on such things as these without instruction. He suggests that decisions affecting the whole staff should be made public by some means and urges that staff meetings be followed by memos in some form so that new staff members will be aware of them, and further, that all matters that led to decisions on specific problems or changes should be recorded to avoid going over the same ground in the future. Once again a staff manual would seem to be the device for these records.

Section V. The Library—Finances. This section is presumably not contronversial as to inclusion or extent of coverage. Information on the mechanics of budget-making is necessary in any size or type of law library. Certainly every librarian needs to know his responsibility for and relation to the budget, for whether the librarian prepares it or some other person, committee or group does so, she is sure to have some active part in its progress. Work on the budget invariably involves dates when it is due, form for presentation, and required data, and these are matters of great moment. To have them in writing is a memory aid to any incumbent librarian and an obvious assistance to any successor-librarian.

Section VI. The Staff—Administration and Organization. Many of the uses and reasons for manuals that we have already covered will apply here. It is important that the chain of command in the staff be established and that every member of the staff be aware of his duty and those of others.

The University of Maryland's Main Library has a very fine manual devoted to this sort of information. It is in our collection of manuals on exhibit. It has been modeled after the manual prepared by a subcommittee of the American Library Association,[4] each chapter of the model manual being assigned to a staff member who adapted it for use in the University of Maryland Library. The adaptations were reviewed by the entire library staff. This procedure of taking a manual that is considered adaptable for the particular library and constructing that library's manual from it is worth considering.

Section VII. The Staff—Rights and Privileges. This is another noncontroversial section and a very important one. Every employee should be informed of the matters listed here and it is a timesaver if he can be informed of them in writing. Not only does it save time but it insures against misunderstanding and matters in this section should be clearly understood. If employees are in civil service, much of this information will be available in printed form. Reference may be made to the civil service publication or pertinent parts clipped for the manual.

The inclusion of instructions on personal conduct offers an opportunity for establishing standards that affect the whole "atmosphere" of the library. The Reference Department Manual of Enoch Pratt Free Library contains such instructions and so does the Hartford Bar Library Association Manual.

4. A.L.A. PERSONNEL ADMINISTRATION BOARD. SUBCOMMITTEE ON PERSONNEL, ORGANIZATION AND PROCEDURE. PERSONNEL, ORGANIZATION AND PROCEDURE: A MANUAL SUGGESTED FOR USE IN COLLEGE AND UNIVERSITY LIBRARIES (1952).

Section VIII and IX. Publications and Publicity. These two sections cover matters that will vary with each individual library. Such information should be recorded since there is no possible way short of the crystal ball by which new staff members could be aware of it without being informed in some manner. A record in the manual by an existing staff takes care of the matter and in the process of recording, publications and publicity are reviewed. A considered look at these may lead to additions or improvements.

Section X. Procedures. This section is in reality a procedures manual and it is well represented in the law library manuals we have on exhibit. In the several months that I was examining these manuals I was in somewhat the same state that I am when I stand before a tempting array of lush smorgasbord. No sooner had I decided that this manual had an ideal procedure for a given process than the postman brought another manual to divide my admiration. I foresee that all of you will be in a like state. These are some of the features in the manuals on exhibit to which I call attention:

U. S. Department of Justice Manual—Comprehensive coverage of the numerous processes employed in the library

University of New Mexico Law Library Manual—Cataloging and classification processes

New Jersey State Law Library Manual—Claims procedures

Indiana University Law Library Manual—Description of the functions of its Cardineer

University of Washington and Indiana University Law Libraries' Manuals—Use of the *completed* form to illustrate the step-by-step procedure that is described

University of Washington Law Library Manual—Bookkeeping procedures

Enoch Pratt Reference Department and Nevada State Law Library Manuals—Reference procedures

None of the manuals in the exhibit collection contains a "glossary of terms", except that of the U. S. Department of Justice and even this one is not entirely satisfactory to the non-law librarian, says Miss Linda H. Morley in her review of the Manual. Miss Morley's complaint is that the Department of Justice Manual describes library terms which most persons understand but leaves veiled in mystery such words as "shepardize". I believe Miss Morley "has something". We might think of what she has said when we are writing instructions for our pages and clerks and even when writing instructions for the future member of the Order of the Coif who is sometimes numbered on university law library staffs.

On our outline the glossary is listed in the "procedures" section. It could as properly appear at the beginning of a manual and should include any term that was not likely to be understood by all manual users.

Section XI. Work Routines of Secretarial and Clerical Assistants, Pages, Etc. Many of the manuals on exhibit contain descriptions of work routines for the library's nonprofessional assistants, and I believe we would all agree that such sections are so essential

that we would give them priority in preparing our manual. The manuals of the Universities of Indiana, New Mexico, and Washington and of Antioch College and Enoch Pratt Reference Department contain such descriptions.

Those of you who smiled indulgently at the overly cautious instructions to the Bodleian staff to wind the clock are in for a surprise when you find there is hardly one of these American staff manuals that does not contain instructions about filling the inkwell and turning out all the lights.

Some unexpected instructions for the nonprofessionals are contained in the manual of the Nevada State Law Library where the staff is small and when the law librarian is away a nonlibrarian may take charge of the library. The clarity of the instructions for such substitutes and the common sense exercised in recording them in a manual instead of shuddering at such an awful state of affairs is a tribute to the combined wisdom and efficiency of the librarian who compiled this manual.

Although we do not have a secretarial manual in our exhibit, I have established through correspondence that one of our law libraries maintains a comprehensive one. This manual is described as being so essential it cannot be spared even for the duration of our Institute, but some of its contents have been described. These include instructions to put the coffee on the first thing in the morning and a warning that when the librarian says she will be back at two o'clock and someone asks for her, say two-thirty. Such contents in an American library manual testify to the fact that we, as well as our English colleagues, recognize the value of small things.

Section XII. General Information. Information such as this section contains is undoubtedly in existence in most libraries and must be in constant use. It would seem then that the staff manual is a handy place for preserving it. Those who come to libraries that have no manual to supply data such as are listed here must secure this information the hard way.

The new librarian in the "no-manual" library who is asked to supply a directory of members of the local Negro Bar may have to consult several persons and make a number of phone calls to learn that there is no printed directory and that a typed list of members is available for copying in lawyer X's office. It would be folly to repeat this time-consuming inquiry when she is asked for the information again as she most surely will be. All of us would recognize the importance of preserving such hard-earned information. If we are manual-minded we have an ideal place for filing it.

Index. The New Mexico University Law Library records its manual index on 3x5 cards. In so far as I know it is unique in so doing, yet the advantage of such an index for a manual that is continually revised and enlarged is obvious.

Appendix. I have listed forms as part of the appendix in these proposed manual contents. This arrangement is not common. Most of the manuals on exhibit have their forms interspersed in the procedures they describe. Many use the completed form as a way of illustrating the procedure described. Forms interfiled with the process described are handy and such an arrange-

ment avoids the necessity for reference to another part of the manual. On the other hand, location of forms in an appendix segregates them so that they can be readily detached. It also reduces the bulk of the body of the manual.

The manuals on exhibit contain a variety of forms for technical processes, but not many have form letters. The University of Washington Law Library Manual, however, has a truly extensive collection of form letters. The manuals of the University of Indiana and the New Jersey State Law Libraries also contain form letters, the New Jersey Manual having unique "guide letters" for answering letters which require similar replies but which also require that the replies be made in original typewritten form.

The calendar of dates listed in our appendix appears only in the Indiana University Law Library Manual. Its usefulness is obvious.

In my references to the manuals in our exhibit, I have made no mention of the contents of the three special libraries manuals that are included. This is because I have had only the briefest opportunity for checking these manuals. Circumstances were such that the manuals had to be shipped directly to Boulder and I had no chance to study them before my arrival at the Institute.

I am, however, familiar with one of the three manuals through library literature. We have the manual of Miss Rose Boots, Librarian of McGraw-Hill Book Company. Miss Boots is a writer on manuals. You will see her name on your Bibliography. The article I have listed contains Miss Boots' suggested outline for a staff manual. You can secure a copy of this outline from the Special Libraries Association headquarters by simple request. We are certainly fortunate to have the McGraw-Hill Library Staff Manual available for study.

Form, Style and Length of the Library Manual

Except for the manuals of the Enoch Pratt Reference Department and Antioch College, all manuals in our exhibit are typed and in looseleaf form. Certainly this form is the most effective while a manual is in process of growth and for purposes of revision or keeping it up to date. Thumb tabs and other devices may be used for dividing its contents. All sheets inserted in the manual should be dated and it is suggested that they be initialed for compiler, reviser or approving authority, as appropriate.

When sheets are replaced with revisions it may be desirable to keep a single set of the superseded sheets. Some libraries make use of different colors for distinguishing certain types of information in the manual. New Mexico University Law Library uses colored sheets for instructions to its student assistants. The United States Department of Justice Library uses different colored sheets for identifying revisions.

Manuals should be written in impersonal style, using the third person and official titles of positions. Sentences and paragraphs in the manual should be short and language in them simple. When a process is being described, every step in the procedure should be completely described. Nothing should be left to the imagination. The use of "et cetera" should be avoided. It invites questions and one reason for

making manuals is to avoid repetition of the answer to the constantly recurring question.

Much has been said here about whether the manual is the proper place for inspirational touches, whether we should give reasons for the steps we describe in procedures, and how fully we should discuss the library's function. It is well that we consider these matters, but this does not mean that we are not aware that there is a point of diminishing returns as to our manual. This point is left to the judgment of the compiler of the manual.

Arrangement of the Library Manual

There are three possible ways of arranging the contents of our manual: (1) *the logical arrangement* (general to particular)—the most commonly used. Our proposed contents follow such an arrangement, going from the history, organization, hours, etc., of the library to its policies and finances; then to its staff and their duties; and finally to procedures, publications, etc., of the libary (*i.e.*, its specific jobs); (2) *the alphabetical arrangement*—under departments of the library or other broad headings, or a strictly alphabetical arrangement. Revision of the manual is more difficult under the latter arrangement; and, (3) *the classified arrangement*—by the Dewey Classification or some other classification.

Methods of Compiling the Library Manual

Is there any "best" method of compiling a manual, or should you adopt the method best suited to your own individual library situation? Have you come to a one-man library where no manual exists and where a dozen activities claim your attention daily? Or are you the staff member or head of an established library with a sizable staff that is about to commit its organization and processes to the printed or typed word?

Let us consider first the situation of the library with sufficient staff to work on a staff manual steadily till its completion. Various approaches are possible. A committee of the staff or a single staff member may be chosen to write the manual. The compiler or compilers may write all portions of the manual after discussing with individual staff members the duties and procedures for which they are responsible. Or, each staff member may contribute the copy for his duties and procedures, and this copy may be revised by the manual compiler. The entire staff may review the manual at periodic meetings.

If it is at all practical, the librarian should be in constant touch with compilers of the manual and should review and approve all its sections. Certainly, the manual outline should have the librarian's careful thought and approval, as should the sections on policy, functions, and other important sections. If the librarian is unable to act in a supervisory and advisory capacity on the manual, it will undoubtedly suffer, for the librarian, of all the staff, has the broadest picture of the library and its departments.

As to the manual of the overworked librarian of the understaffed library, how is she to work in this "last straw" in her always too short day? It will not be easy, but if she wants a manual because she sees the time it will save her

over the long pull, she will shoulder that last straw.

She may do this in several ways. She may decide that since the manual is such a timesaver, she who has so little time cannot afford to delay making it. She will give her manual project top priority and will work on it steadily until essential parts of its are complete.

Or she may lack such character and wisdom! In such case, she will make her outline, as we today have done and may then select and complete the most urgent sections, one by one. Or, she may prepare items on her outline as circumstances dictate. When she sends an allotment of books to the bindery, she may write up the bindery procedures, or when a library assistant is due, she may be spurred to write his duties for the staff manual. A manual produced by such a process may be of a patch-quilt variety, but the manual outline keeps it orderly and, though it will be long in the making, such a manual is better than none at all—at least it is to the believer in manuals!

Revision of the Library Manual

Now an awful thought occurs? We cannot snuggle down and sleep in comfort under that patch-quilt. By indirection we have already inferred that our manual must be revised. For most of us this revision, as the original, will be piecemeal. But some may be fortunate enough to do a periodic overall revision.

The anticipation of revision of our manual is the reason for its looseleaf form. We must constantly review techniques and procedures of our library with a view to improvement of them. A review of this portion of our manual is one way of accomplishing this. Review of other portions or of the entire manual almost always spells progress.

The Law Library Staff Manual as a Benefit to the Profession of Law Librarianship

We have had much to say about what a staff manual can do for us and for our libraries. The benefits we have discussed cannot be overemphasized, but there is another benefit that could spring from any manual we compile. I cannot end our talk without some reference to it.

A recent address by the late Chief Justice Vanderbilt[5] carries a quotation from Theodore Roosevelt: "Every man owes some of his time to the upbuilding of the profession to which he belongs." Could not the staff manual we are considering play a part in building the profession of law librarianship? If it helps to build our own library, certainly it has taken a step in that direction, but let us go a step further. Consider the contribution to law library techniques, management, and administration if the American Association of Law Libraries would produce a series of model staff manuals—at least one for each type of law library. I can see the reply, "That would be wonderful!", stamped on every one of your faces. I see also you are thinking, "But what has *my* staff manual to do with such a project?"

In the beginning of my talk I read you a definition of an "ideal" staff manual. We agreed we might not be able to make one, but we said we could

5. Vanderbilt, Address delivered at Seton Hall University Centennial Law Day, May 5, 1956, in SETON HALL UNIVERSITY SCHOOL OF LAW, CONFERENCE ON PROFESSIONAL RESPONSIBILITY 25 (1957).

at least strive to make the very best manual we could compile. When we have made these "best" manuals could they not then be assembled by types of libraries in which they will be used and discussed by the librarians who made them? The best features from each assemblage could then be selected and compiled into a composite manual that would serve as a model manual for that type of law library.

The American Library Association has produced a model manual. You will recall that one of the manuals in the exhibit is based on it. The legislative reference librarians of the National Legislative Conference have prepared a sort of manual[6] for use of those in that special field. These model professional tools were not attained without immense effort in preparing tentative draft after tentative draft. The legislative reference librarians devoted some four years of concentrated discussion and thought to the manual they are about to offer as a guide to their work.

Undoubtedly we of the American Association of Law Libraries would have to work long and hard to prepare model law library staff manuals. As an association we may not be prepared to embark on this work at this particular time. However, we from this Institute can bear these model manuals in mind when we are doing that thinking about our manuals that we have mentioned at several points in our discussion. No doubt even our best thinking about our manual and our hard work on it will not result in an ideal or model manual, but at least we can have both in mind. "Out of our small 'acorns' . . ."[7]— who knows!

6. A GUIDE TO THE OBJECTIVES, ORGANIZATION AND OPERATIONS OF A LEGISLATIVE REFERENCE SERVICE IN STATE GOVERNMENT (Preliminary draft, Sept. 1954, prepared for the National Legislative Conference; reissued by the Council of State Governments, March 1956).

7. "The lofty oak from a small acorn grows." Lewis Duncombe, *De Minimis Maxima.*

Appendixes

I. *Possible Contents for a Library Staff Manual*

Title Page

Preface, stating purpose of Manual

Table of Contents

I. History and Organization of the Library

- History of Institution, (*i.e.*, larger organization of which Library is part) including reason for its creation
- Roster of Executives, with titles (Trustees, Board of Directors or whatever is governing body)
- Plan of Organization of Institution
- History of the Library
- Plan of Organization of Library, including its relation to larger Organization and any other libraries within Organization

II. General Regulations and Plan of the Library

- Physical plan of the Library
- Hours of the Library
- Holidays
- Building Regulations
- Library Rules and Regulations

III. The Library—In General

- Functions and Objectives
- Scope of its Collection
- Patrons
- Special Services or Facilities
- Relation to Outside Libraries, with indication of their general resources and unique features

IV. The Library—Policies

- General Policies
- Book Selection
- Interlibrary Loan
- Outside Patrons
- Patron—Order of Preference in Service
- Reference and Research
- Special Matters (as confidential relationships in Government libraries, etc., etc.)

V. The Library—Finances

- General Explanation: of Sources, Chain of Responsibility, and (in case legislative appropriations are involved) Outline of Step-By-Step Progress of Budget Requests to that Final Source
- Budget and other Financial Statements and Reports
  - Periods of Coverage
  - Calendar for Submission of: Estimates, Requests, Reports
  - Procedures for Preparation and Submission

VI. The Staff—Administration and Organization

- Roster of Staff by Title
- Organization of Staff for Accomplishment of Library Functions
  - Job description for each staff post (if such descriptions exist)
  - Assignment of duties and responsibilities to staff members
- Staff Meetings
- Professional Activities of Staff

VII. The Staff—Rights and Privileges

- Appointment and Tenure
- Payroll Periods
- Work Week and Work Schedules
- Efficiency Ratings
- Promotions
- Sick Leave
- Leaves of Absence
- Vacation
- Overtime
- Rest Periods
- Instructions on Personal Conduct

VIII. Publications

- Accession Lists
- Annual Reports
- Bibliographies
- Handbooks
- Indexes

IX. Publicity

- Bulletin Boards
- Display Cases
- Exhibits
- New Book Shelves

X. Procedures

- Glossary of Terms
- Special Tools in Use in Library Processes (description of functions of such tools, for example, the Cardineer)
- Acquisitions
- Cataloging
- Classification
- Continuations
- Circulation
- Inventory
- Bookkeeping
- Binding and Repairs
- Statistics
- Book Selection
- Reference
- Research
- Other Processes (such as processing briefs, clipping newspapers, etc.)

XI. Work Routines of Secretarial and Clerical Assistants, Pages, etc.

XII. General Information

- "In-Service" Sources of Service and Supplies (as surplus property, transfer service, etc.)
- Directories of:
  - Book Dealers (with specialities, discounts, etc.)
  - Binders
  - Equipment and Supplies Companies, with name of local representatives
- Name of Organizations with which library has particular relationship that justifies inclusion, with pertinent comment on relationship
- Want Lists
- Other Miscellany

Index

Appendixes

A. Forms for all Processes
   - Form Letters
   - Other Purpose Forms

B. Calendar of Dates (this for convenience in checking, even though information contained

here may be elsewhere in the Manual)
Annual Report
Bar Examinations
Binding
Budget
Reserve Shelves
School Terms
Etc.

Note: These contents are offered as a spur to your thoughts on possible items you may want to include in your staff manual. Obviously, terms used on this outline will not fit all types of libraries. You will need to vary them to suit your institution, agency, etc. Arrangement of any contents you select should be determined by possible uses you will make of them.

II. *Library Staff Manuals Exhibited at the Law Librarians' Institute*

A total of 14 library staff manuals were displayed at the Institute. Three were from special libraries, supplied through the cooperation of the Special Libraries Association and the "beyond the call of duty" efforts of its Executive Secretary, Miss Marian E. Lucius. Of the other non-law library manuals, two were from the main libraries of universities, one was from a college library, and one was from the Reference Department of a public library.

Law Library Manuals included those of the Hartford Bar Library Association; Indiana University Law Library; Law Department, Nevada State Library; Bureau of Law and Legislative Reference, New Jersey State Library; University of New Mexico College of Law Library; United States Department of Justice Library; and University of Washington Law Library.

Non-Law Library Manuals included those of Antioch College Library; the Conservation Foundation Library (New York City); the General Reference Department, Enoch Pratt Free Library (Baltimore); the McGraw-Hill Book Company Library; University of Maryland Library; University of Texas Library; and Wallace and Tiernan, Inc. Library (Belleville, New Jersey).

The staff manual of the General Reference Department of Enoch Pratt Free Library is available from source at $1.75 per copy.

III. *The Library Staff Manual: A Bibliography*

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Neuner, J. J. W. and Haynes, B. R. Office Management: Principles and Practices. 3d ed., 1953. (pp. 597-624, "Use and Preparation of Office Manuals")

Selected List of College and University Library Staff Manuals in Graduate Library School Library, University of Chicago. College and Research Libraries, 2:134-35, March 1941.

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The Law Librarian and Personnel Administration

by C. Mansel Keene, *Chief*
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The fact that most law libraries do not have very large staffs is both an advantage and a disadvantage in using personnel techniques. The advantage, which is a very important one indeed, arises from the fact that effective communication can be more readily achieved within a small staff than a large one. Unfortunately many fail to utilize the advantage inherent in the "can be" by assuming that communication will take care of itself or does not need to be considered. On the other hand, since most law library staffs are relatively small the services of personnel specialists are usually not available. However, to the extent that management in large organizations relinquishes responsibility for personnel activities to specialists then this too is not an unmixed blessing.

Effective law library management includes the proper handling of personnel matters. When attention is placed on the activities of the library, per se, without considering the management of the staff as well, the full potential of the organization cannot be achieved. With proper attention the talents of the staff can be used as a means of achieving the maximum potential of the organization.

We can always beguile ourselves by thinking what we could do if we had a perfect staff. More rigorous thinking, however, should convince us that we have to start from wherever we are. In fact, dreaming of an "ideal" staffing situation may prevent us from capturing the full potential of our present staff. While there are individuals who may be so ill-suited for any of the jobs to be done in a particular law library that it is better, if possible, to help them secure more compatible employment elsewhere, most present employees can usually be used on some job. The problem is not only to match the individual and the job but to liberate the maximum degree of his productive potential.

Part of our task must of necessity involve the process of communication alluded to above. How well do we convey to those who work for us a coherent understanding of the objectives of our organization? Do we tailor what we communicate to the level of understanding of each particular employee? Is the role which we wish him to play explained in a manner which he can understand? Do we listen to him? Or does he even have an opportunity to say anything? Humans have a perverse way of doing other than we would like to have them do, particularly if they do not understand what we want. Even when they do understand what we expect, we still may not get what we would like to obtain if the organizational climate is not a proper one.

At this point some may be tempted

to remonstrate that your own role is that of a librarian, not that of heading a quest for staff happiness. Actually, to achieve some degree of success in managing a staff is not as difficult as it might appear to be since, with the best possible placement of employees and a "climate" of relatively easy communication, the average employee will be caught up with the doing of his job and his resulting preoccupation will shield him from what might otherwise be, at the very least, distracting and, more typically, frustrating events in the day to day activities of your libraries. On the other hand, what we do with our employees must not be merely a gesture in the proper direction with the primary emphasis on manipulation rather than on a real effort to understand and work with employees. Since our goals are long-term and integrity of purpose is so very basic, we cannot concern ourselves with mere manipulation. However, what we do must be in keeping with what employees have been led to expect from us or what our other actions convey about us; else what we do may backfire. Dr. Paul Pigors of the Massachusetts Institute of Technology, in a talk this spring at a session of the annual conference of the Society for Personnel Administration held in Washington, D. C., told a story which illustrates this point most effectively. A foreman in a plant who was knowledgeable and intelligent but rather hard-bitten in his approach was sent to a conference on human relations. Shortly after his return to the job from the conference, morale in his shop took an abrupt drop when employees mistook his new found "insights" for meddling in their affairs. What we are considering here is not something which can be simply added to our "bag of tricks." Whatever we do with employees must be a part of our total approach and not merely used as a gadget. We communicate in a variety of situations and in a variety of manners—speech being only one of them. Hence, the "gadgeteer" is usually headed for failure in the long run while one with no outstanding skills but a consistent approach is apt to be more successful. Dean Stanley F. Teele of the Harvard Business School in a talk on October 25, 1955, expressed the essence of this concept when he stated:

> A man's personal philosophy, his way of looking at the world and the men and women around him determine his success as a manager of things and people more than any other single factor. His basic attitudes are far more significant than the techniques he uses. . . .

Whether administrators are made or born is not as relevant for consideration as the fact that a good administrator is the product of a good deal more than technical competence, promotion into a supervisory type position or, more importantly for our purposes on this occasion, the degree of *expertise* we are able to convey to him concerning personnel techniques. Yet a proper awareness of and utilization of personnel techniques will make for more effective management if used with proper awareness of the points raised above.

When we consider the selection of new employees or the more proper

utilization of our present employees, we have to think first of the jobs to be done. The jobs in turn cannot just grow; they must tie together into a meaningful whole which will allow the achievement of the primary goals of the law library. In large and complicated organizations rather elaborate job evaluation and classification systems are used. A law library does not require such refined techniques; however, care does have to be taken to be sure that the proper dimensions of all positions as they currently function, or as it is desired that they function, be kept clearly in mind. We may, for instance, be tempted to state that, on the basis of a superficial impression, a job merely requires typing to be done. Is this really the case? Is the "make or break" for success in the particular job dependent on typing or are other aspects of the job of sufficient importance to be considered when filling it? Only by really knowing what a job requires can it be filled with the best candidate of those available. Only by making the dimensions of the job available to the job candidates will the best person be apt to be attracted to it. Frequently prospective employees attempt to impress management that they are something other than what they really are. This makes for an untenable burden, particularly for the employee and to some extent for management, through the years unless the job can be shifted more in the direction of the employee's interests, attitudes, and capacities. Often, too, management through ignorance or guile leads prospective employees to believe that a job being filled is something different than what it really is. This is equally undesirable. Some seem to believe that if the true nature of a job is revealed in all its possibly unattractive (to a top supervisor) detail no one can be beguiled into taking the job. Others do not concern themselves too much with the exact nature of vacancies since they are overly impressed with shortages in the labor market. They are interested in filling vacancies with "bodies." Possibly the only place "bodies" pay off is in mortuaries and then only if the deceased or his relatives have funds.

When certain skills cannot be found in the labor market, it is well to lower the level of a position even further to tap those individuals with potential who are not subject to the same employment pressures as those with some training. Attractive "career ladders" can frequently be set up for these trainees so that there is an added inducement for them to stay with the organization. It is well to avoid hiring the abundantly overqualified if they become available at any time. There must be a reasonable congruence between the abilities of individuals and jobs to be done. The overqualified leave early, become trouble spots by mixing into the jobs of others, are often emotional misfits, etc.

Whatever training is done on the job (or that employees are encouraged to take on their own time) should be done, if possible, in light of an understanding of the employee's capacities, the jobs to be done, the future structure of the organization, etc. The progress an employee is or is not making should be evaluated in terms of his job, his future in the organization, his development to date, etc. Despite the reluc-

tance of most supervisors to discuss employees' performances with them, more problems arise from employees' not knowing just where they stand than from appraisals of their performance.

Typically, in discussing personnel techniques and programs, employer-employee relations are covered. At the risk of appearing to oversimplify a relatively complex area it should be borne in mind that, from one point of view, need for action in this area can be taken as an indicator of the failure of other personnel devices. This is not to say that management should not concern itself with this area but rather that primary emphasis can often be placed more profitably on the results to be achieved, namely, good employee-employer relations through other means. As was implied earlier, the satisfactions derived by well placed workers in well run organizations are such that many potential problems never develop into anything very serious either for management or the employees.

There is one final item to be borne in mind, particularly in libraries where the dust on books may be more a matter of concern than the "dust" which may accumulate on the organization. As the program emphasis in an organization shifts, there has to be a management awareness of such shifts and their impact on the jobs in the organization. Even the most static organization changes. The more static an organization appears to be, the greater likelihood that the impact or even existence of dynamic change may be required. Much emphasis is frequently placed on orienting the new employee. There can be no quarrel with proper emphasis on an initial induction and indoctrination period. Of equal or greater importance is the need for considering the continuing health of the organization. Attention must be paid to the factors which tend to stultify organizations, encrusting them with practices that should be changed. What is the exact nature of the organization into which new employees are to be oriented or in which the services of present employees are to be continued? Does the organization rather than the employee or employees need some change itself for the common good of all? Two extracts from documents written about the same time for entirely different purposes point up this final item and tend to capsulate some points made earlier in this discussion.

The first is from an article entitled *The Tune of the Hickory Stick* written by Nils Y. Wessell, which appeared in the January 1949 issue of the *American Journal of Mental Deficiency*.

"Institutions, whether they be colleges or training schools for the feebleminded, tend to be conservative. This is so because their leadership is primarily of the administrative type and the chief and necessary function of such leadership is the maintenance of the status quo. Such influences are wise and good in the sense that they make for stability and security. On the other hand, when they are the dominant influences they stifle change, and while change is not always progress, progress cannot occur without change.

"Let me hasten to add that administrative leadership and initiative leadership are not necessarily antagonistic or mutually exclusive. There are indi-

viduals who combine both talents, but to speak ornithologically, such birds are rare. The combination is the ideal, but to be realistic we must admit that it is a genetically uncommon hybrid. The only practical solution is to include individuals of both leanings in positions of responsibility in our institutions and then pray that they will get along with each other. The odds naturally favor the conservatives, for they by definition have the staying power, the stability that are assets in any long-term struggle for power. The leader with initiative soon becomes disgusted with the barriers erected in front of him and moves on to other, greener pastures. This is the tragedy of it all. It is this type of loss we should do everything to avoid in all of our social institutions. But no administrator likes to be continually prodded by bright young men with new ideas. The old rut is such a comfortable, snug, uncomplicated place, why do anything to change it?

"There is a corollary tragedy that affects institutional leadership that in some ways is more unfortunate than the one just described. It stems from the fact that with time most leaders of the initiative type become, if they do not transfer first to other fields, insidiously and gradually, the administrative type. It is partly a function of age, partly a function of the fact that they get bogged down in routine, clerical work, and partly a function of their realization that insecurity is the only reward for suggesting new ways of doing things. Their ideas for improvement and progress die aborning, and before they realize what is happening, they are themselves administrators resenting in turn the efforts of initiators to prod them into new lines of endeavor. To say it was ever thus and to sigh, as is my inclination, is proof positive that the sigher has himself become a conservative administrator badly in need of the stimulus that comes from people with new ideas."

The second is from an inspection report written by Benjamin Mallory before he retired from the staff of the Twelfth U. S. Civil Service Region:

> (a) Institutions are inherently conservative. They tend to stifle change.
>
> (b) It is easier to make progress by finding simpler ways to do a thing than by finding out whether it is the thing to do.
>
> (c) The employee with vision becomes conservative at a progressively faster rate in an institution than in most other types of organization.
>
> (d) Institutions tend to stifle initiative. The *safe* man is the best promotional material. The odds favor the conservative.
>
> (e) In most institutions the successful manager is the one who succeeds in maintaining the status quo.
>
> (f) In solving operating problems there is a strong tendency for the "elimination of the cause" point of view to shift too quickly to the familiar area of procedural remedy.
>
> (g) In an institution there is present a secure, firmly established organization—made so by the binding effect of tradition, custom, old ruts, the long-accepted ways of getting things done.
>
> (h) Institutions possess two governing bodies: (a) the legal, formal

management, and (b) the indigenous, informal political system of employee cliques, struggling quietly and unconsciously to control the institution.

(i) There is a tendency for the staff of an institution to get bogged down in technique, routine, and clerical processes.

(j) As age creeps on an institution, the conscious purpose for which it was created becomes dim to the point of its total eclipse when the institution operates solely to maintain its own existence.

The Selection and Handling of Personnel in the Law Library

by Earl C. Borgeson, *Librarian*
Harvard Law School Library

[This manuscript is a report of a discussion session, for which the author was the discussion leader, that followed the lectures on the law library staff manual and on the law librarian and personnel administration—ED.]

Introduction

The discussions of the day have focused our attention upon the library staff manual and personnel administration and have thereby revealed the range of personnel questions that might confront the law librarian. At this time of the day, after such able papers, a fresh approach to the subject of law library personnel problems seems an impossible assignment to meet. Yet, there is one method of presentation left to us. We can conduct a clinic, a demonstration session, at which we will analyze the personnel needs of a typical law library in terms of the functions under which the activities requiring the application of human energies in a law library are classified. We will estimate man hour requirements and prepare a statement of personnel needs in the form of position descriptions. We will not, however, be able to interview and hire the staff during this session.

Before we begin, there is a great mass of literature relating to personnel administration. Civil service agencies, industry, schools of business administration, and even librarians provide a continuous flood of directives, manuals, books and articles recommending new solutions for old personnel problems based upon experience and, one suspects, upon a degree of speculation. Kathleen B. Stebbins wrote an article entitled *Problems in Personnel* which was published in the December 1956 issue of the *Wilson Library Bulletin*. I recommend it as a well-organized presentation with which one might begin a literature search. The following publications might also be required reading:

American Library Association. Board of Personnel Administration.

Classification and Pay Plans for Libraries in Institutions of Higher Education. 2d ed. Chicago, 1947. 3 vols.

Descriptive List of Professional and Non-professional Duties in Libraries (preliminary draft). Chicago, 1948. 75 p.

Personnel Administration for Libraries; a Bibliographic Essay. Chicago, 1953. 97 p.

Personnel Organization and Procedure; a Manual Suggested for Use in College and University Libraries. Chicago, 1952. 57 p.

Position Classification and Salary Administration in Libraries. Chicago, 1951. 81 p.

The Problem

What is required if the work of the law library is to be done? The employer must know what work has to be done and be able to recognize the ability of the employee to do that work. Proceeding from the viewpoint of the employer, the law librarian, how does one know what work there is to do? The answer will be found by analyzing the particular work situation.

This can be begun with a rather simple statement—the library has but one objective, the bringing together of books and readers. This thought is worth turning over in one's mind from time to time. Just what is a library and what is a librarian? To state this objective more elegantly, read again the recent advertisement, "Should Your Child Be a Librarian?",[1] in which Edward Freehafer, Director of the New York Public Library, said, "Briefly described, the librarian's work is the selection, acquisition, organization of and, especially important, guidance to man's recorded knowledge whether for research, study, self-improvement, business or recreation." To this description one need add only enough administrative activity to coordinate these aspects of librarianship, and the outline for the functional approach to library work is completed.[2]

Analysis—Functional Approach

Librarianship may be divided into three basic activities—administration, technical processes, and public service. Further subdivision of each of these activities will spell out the work details that one finds in the library staff manual.

(The group then proceeded to name library activities and to arrange them in their related order on a chart. These library activities are listed below in outline form. The reader is asked to note that some of the following remarks of Mr. Borgeson were made in direct reference to the chart form, rather than to the outline form as here presented.—ED.)

Library Work

I. Administration
  - A. Budget
  - B. Personnel
  - C. Propterties
  - D. Public Relations

II. Technical Processes
  - A. Acquisitions
    1. Order
       - (a) Search
       - (b) Select
       - (c) Order Record
    2. Disposal of Duplicates
    3. Receiving
       - (a) Serials
       - (b) Monographs
         - (1) Verify Invoice
         - (2) Accession
  - B. Cataloging
    1. Catalog
       - (a) Descriptive
       - (b) Subject
    2. Classify
    3. Cards
       - (a) Prepare
       - (b) File
  - C. Preparation
    1. Property Stamp
    2. File Looseleaf Services

1. An advertisement of the New York Life Insurance Company which appeared in *Saturday Evening Post, Life,* and *Ladies' Home Journal.*

2. Earl C. Borgeson, *Law Library Administration—A Functional Approach,* 46 L. LIB. J. 90 (1953).

3. Pamphlets, Binding and Repair
4. Collate for Binding

III. Public Service
- A. Stacks
  1. Shelving
  2. Paging
  3. Cleaning
- B. Reference
  1. Bibliographies
  2. New Book Lists
  3. Exhibits
  4. Legal Research Lectures
  5. Special Collections
- C. Circulation
  1. Records
  2. Interlibrary Loans
  3. Photocopy

Knowing what needs to be done is only part of the task before us. We must have some reasonably accurate measure of the human energies, expressed in man hours, necessary to accomplish the tasks that we have listed. At this point, both past exeperience and present performance are acceptable guides in making this estimate. Here, too, one might very well take into consideration the reorganization of procedures so as to arrive at a more efficient deployment of the energies at his disposal.

Today, this calls for a consideration of mechanical aids and the extent to which they can be employed to advantage. There are many excellent applications to be sure. Yet a word of caution is necessary, for procedures can be over-simplified in an attempt to become efficient and in the planning for the use of machines. When this occurs, there remains in the work situation no opportunity for the exercise of human discretion or judgment. Personality has been wrung from the scene where personality is vital to a successful, well-balanced organization. In a short time, capable people become bored and leave. They are often replaced by less suitable people. Then, the performance of library work of a high quality is expected from people who cannot possibly achieve that level of performance. If a machine is introduced into this picture, it becomes possible for the schism now dividing the staff to become more acute and throw the staff further out of balance. Less capable people may be needed for the processes preceding those done by the machines, while people of greater skill are needed to interpret and carry on the processes subsequent to those of the machines. The personnel problem has been aggravated, not alleviated. This is so because we are dealing with a qualitiative personnel problem, not simply a quantitative personnel problem; the solution does not lie entirely in the employment of a greater number of people or in the use of machines. This can become a vicious cycle, and the law library administrator finds it not only difficult to stop the cycle, but also difficult to reverse the cycle.

If the cycle is to be reversed, one early step is to define attractive, responsible positions and then to fill them with capable people. The numerical growth of a staff from then on can be expected to be the result of a sound, progressive library program carried out by a competent, forward-looking staff.

Having classified all of the library operations with which we are concerned, we may next turn to the sepa-

ration of the professional and non-professional activities, or to put it in a broader sense, to the identification of supervisory and non-supervisory activities.

If the chart is viewed in its vertical plane, the decision-making responsibilities and the detailed operations related thereto can be combined into positions, function by function. One must, as a practical matter, be aware of the fact that, like raindrops, the details of operation soon become pools and then a flood that threatens to sweep away all meaning of professional librarianship.

Looking at the horizontal plane, making such separation is much easier, for the tiering of activities already indicates the levels of and the relationships of each activity. As one might expect, however, the numerical growth of a library staff eventually makes for a division that is both horizontal and vertical.

Position Description

The next step is the construction of the position description. The essential element is, of course, the description of the particular work to be accomplished by someone who is known by the title given to the position. It is important that the relation of the levels of responsibility accompanies the general statement of the duties to be performed. In other words, what activities of other positions is this one responsible for and what activities of this position are the responsibility of a more senior position. This means that the planning of one position description must be done with all of the other positions in mind. The pattern they create should, in general, disclose the route for advancement as well as identify particular positions.

The qualifications of a candidate that are acceptable for this position must also be set out in terms of minimum educational achievement and employment experience.

As we have said, our diagram represents a flexible situation. Position descriptions too must be flexible and subject to continuous review.

The New Staff Member

Now that we know what our staff requirements are, the search for applicants begins. Employment offices, placement committees, friends, staff members, veteran organizations, churches, schools—any source that can be imagined might be contacted to turn up the candidates that the library would like to consider.

When the applicant does step forward, the librarian must be prepared to act. He is prepared if he has programmed his needs as we have discussed them. Knowing what his needs are, he will not simply hire someone for a job, but will instead select the most capable person to join his staff.

The effectiveness of the selection is, of course, tested by the performance of the duties assigned to the employee. Thus, the personnel problems and the personnel programs carry far beyond the procedures we have discussed. For example, we could proceed to discuss programs of orientation covering the rules of office conduct, then the details of on-the-job training programs for advancement, and continue through a discussion of retirement programs.

One final observation is in order.

While the law librarian is observing the performance of the members of the staff, the staff member is observing the librarian's organization. It would be most unfortunate if careful selection were not followed up with an orientation program and an on-the-job training program, at least. Such efforts on the part of the law librarian will expose new staff members to enough work patterns for the librarian to note the extent of their capacities. More important, however, these same efforts will expose the staff member to the "library way" or the "company viewpoint" so that the staff member does not begin to operate according to his own set of standards and thereby negate all attempts to develop an *esprit de corps* so vital to the library.

In conclusion, may I call one last reference to your attention; it is to a principle known as "Parkinson's Law."[3] I heartily recommend a session devoted to its study.

3. C. NORTHCOTE PARKINSON, PARKINSON'S LAW (Boston: Houghton Mifflin, 1957). (First published in 177 ECONOMIST 635 (1955)).

Statute Law in the Field of Legal Research

by ARIE POLDERVAART, *Librarian*
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I. *Introductory*

History of Codification in the United States. The first codes of laws were not so much designed to codify the statutes as they were to codify the common law or *lex non scripta*. There had, of course, been some compilations of laws in the Anglo-American field before the middle of the last century, but the first code, other than that of civil procedure, covering the civil as distinguished from the substantive criminal law apparently came from Georgia.[1] Another appeared soon after in Dakota Territory in 1866. Both jurisdictions had adopted the work of David Dudley Field of New York which Field's home state had rejected. Field's experience in this respect was similar to that of another pioneer of the law, Edward Livingston, who was also originally from New York State and who prepared a System of Penal Law for Louisiana. Apparently too advanced for their day, the Livingston Codes too were rejected by Louisiana but within a few years Livingston's Code of Reform and Prison Discipline was adopted in its entirety by the Republic of Guatemala.[2] It is interesting to observe that California, which has been the source of laws for many of the western states, in 1873 adopted its codes largely from the Dakota model. Gradually the codes became not so much enactments of the common law but rather codifications or reenactments of the statute law of the various jurisdictions.

Distinction Between Codification or Revision and Compilation of the Laws. The statutes, as distinguished from the session laws of a particular jurisdiction, are of two general types:

(1) The compilations constitute the more common type. These merely bring together the laws which pertain to the same subjects, arranged in some logical scheme or sequence worked out by the compilers. Expressly repealed laws or parts of laws are eliminated, but no effort is made to leave out statutes repealed by implication, except those which have been judicially declared to have been so repealed, or to reconcile conflicting provisions. The best the compiler can do is to call attention to the fact that a later statute has probably repealed the earlier one in whole or in part, or simply that a conflict exists. The compilation is not the law of the jurisdiction. What it sets out is merely prima facie the law. In other words, it will be accepted as being the law unless someone shows that it isn't.

(2) The codes and revisions are in effect reenactments of the body of the law by the legislative body. These do more than compilations. They endeavor to eliminate conflicts and dead-

1. 42 A.B.A.J. 104 (1956).
2. HICKS, MEN AND BOOKS FAMOUS IN THE LAW 180 (1921).

wood. Where necessary, inconsistent provisions of law are rewritten to reconcile them. Before a code or revision in its true sense becomes effective, it must be resubmitted to the legislature for reenactment in its entirety. It is not merely prima facie the law. It is the law.

Constitutions as a Division of the Statute Law. The working tools of the legal profession consist of primary and secondary authorities. The primary authorities of the law are divided into two main divisions known as (1) statute law and (2) case law or court decisions. Constitutions, being enactments of a sort, are classified with statute law.

An important fact to remember, however, is that *constitutions,* though nearly always included in the compilations of the statutes, *are frequently indexed separately.* Suppose, for example, that the researcher wishes to determine whether the state's law permits garnishment of current wages. He decides to consult the statute index, as properly he should, and looks there under the heading of "Garnishment." He finds no prohibition included among the index entries, but being inclined to be thorough, he looks up the sections pertaining to garnishment in the statutes and still finds no prohibition. From this check he might quite reasonably assume that garnishment of wages is permissible. But if on the basis of this check he advises his client that he may go ahead and garnish, he might very well be giving him bad advice. A further search of the separate index to the constitution might very well disclose that garnishment of wages is prohibited by the most fundamental law of all—the constitution.

The danger here noted may be avoided in several ways. Obviously a careful habit pattern of always checking both indexes to the constitution and to the general statutes is essential. The publishers of some statutes, aware of the danger, though they include a separate index to the constitution, likewise include entries for the constitution in the general statutory index. This increases the cost and the size of the statutes, but it eliminates a serious pitfall.

In some states the legislature itself, aware of the danger of overlooking constitutional requirements, has reenacted constitutional provisions in statutory form so they will appear in the statutes as well as in the constitution. This means the general index will include entries for them. The Texas legislature did this, for example, in connection with the garnishment prohibition used as an illustration.[3]

Indexing of the constitutions is sometimes complicated by an apparent indecision on the part of the compilers as to the best way of handling the matter. Note as an example the explanation in the foreword to the *Code of Georgia Annotated:*

> The book [Book 1 of the Code] contains a complete index to the Constitution . . . of 1945. There is herein, however, no index to the Constitution of 1877 [which has been superseded]. An index to that Constitution appears only in the main part of the General Index volume, Book 34 of this work. The

3. TEXAS CONST. art. 16, §28; TEX. CIV. STAT. art. 4099 (Vernon 1948).

> only complete index of the Constitution of 1945 is the one in this Book. The head 'Constitution of State' in the pocket part index in Book 34 will include only references to amendments to the Constitution of 1945. However, under various heads of the pocket part index in Book 34, there will be found not only references to the pocket part of this Book, but also references to sections of the Constitution of 1945 contained in the main part of this Book.

The researcher who uses the Georgia statutes undoubtedly will feel safe only if he examines the parent volumes of both Books 1 and 34 and the supplements to both books—four places. The confusion is compounded by the fact that both the new and the old constitutions carry section numbers similar to the ordinary statutes and since both constitutions carry annotations, the user can rather easily be confused into thinking he is looking at the current provisions when in fact the material he is reading is from a superseded one.

Procedural Material as a Division of the Statute Law. A danger analogous to that mentioned in connection with constitutions sometimes presents itself with respect to procedural statutes when the jurisdiction recognizes a rule-making power in the supreme court. In these jurisdictions pamphlets containing court rules are sometimes issued. Use of the rules pamphlets may lead the searcher to conclude that the jurisdiction does not have some procedural requirement in question. Yet, a consultation of the index to the statutes may well disclose existence of some procedural statute which covers the point involved.

Various methods have been used or could be used to avoid or to minimize this danger. Perhaps the presently most prevalent practice is to include the court rules in the statutes as though they were enactments of the legislature. Many of the statutes which do this assign to them regular section numbers and, necessarily, provide appropriate entries for them in the general index.[4]

In some jurisdictions where the rule-making power has been recognized, the courts promulgate as rules of court any procedural statutes which may be enacted by the legislature. This assures their inclusion in the rules pamphlets. New Mexico has followed this practice since 1933.

II. *Contents and Arrangement of Statutes in General*

Arrangement Dependent on Number of Volumes. An alphabetical arrangement which divides the contents into chapters based on recognized legal subject headings is probably best for single volume editions of the statutes. Such an arrangement, however, is not desirable for a multiple volume set. An alphabetical arrangement in such a case would require in many instances that two or more volumes be consulted in the study of certain related statutes

4. As examples, COLORADO REV. STAT. ANN. (1953) includes the rules of court in detail with annotations, cross-references, code references and a separate analytical index in volume 1; DELAWARE CODE ANN. (1953) has a separate volume (volume 13) devoted to court rules and carries separate indexes for supreme court, chancery court and superior court rules, civil and criminal; NEW MEXICO STAT. ANN. (1953) places all the district court rules under one section number and all the supreme court rules under another section, and includes the index entries for them in the general index.

in different chapters. To avoid this inconvenience as much as possible, an effort is ordinarily made to group related chapters into larger "divisions" and to place related divisions together in the same volume. Thus, the law that is needed for a particular legal problem can generally be found in the same book. This type of arrangement also makes possible certain economies. For example, in the *New Mexico Statutes,* the chapter on justices of the peace and subjects over which they have jurisdiction have, so far as possible, been grouped into the same volume and only this one out of twelve volumes is issued free to the numerous justices of the peace throughout the state. In the same manner, only the probate volume which contains material pertaining to guardianship, etc., which is within the jurisdiction of the probate court, is issued to the probate judges.

The major divisions are sometimes designated as titles, as in *Page's Ohio Rev. Code Ann.,* and each title then consists of a number of chapters dealing with a particular phase of the law within the division.

Statutes with Separate Volumes of Annotations. Patently the most convenient manner of handling annotations to statute law is to place the commentaries immediately following the statutes to which they relate. Practical considerations, however, sometimes change this pattern. In some states the annotations are printed in separate volumes apart from the text of the statutes. It follows that after the searcher has found the statute and has ascertained its section number in one volume he must turn to a separate volume or volumes to find the annotations. The reasons why these states have adopted the plan of publishing annotations in separate volumes include: (1) It makes possible a more prompt publication of a revision of the statutes after each legislative session; and, (2) Republication of the older annotations in connection with each revision is eliminated, thereby avoiding considerable expense.

Iowa, Kentucky and Wisconsin are among the states which publish annotations in separate volumes. Iowa also has an unofficial, multivolume annotated set. A unique feature of the Wisconsin scheme is that additions to the annotations are not printed as supplements to the annotation volumes as is done in Iowa, but are carried following the sections affected in the statute volumes. The result of this illogical but sensible arrangement means that each edition of the statutes is partly annotated, *i.e.,* it carries the most recent annotations. The researcher needs to refer to the annotations volumes only for the older annotations. The desirable feature of the arrangement lies in the fact that the statutes are revised more frequently (after every regular session of the legislature) and this procedure makes it possible to keep both the statutes and the annotations current.

Looseleaf Service Statutes. A few states are experimenting with statutes in more or less looseleaf form. As a general proposition it seems to this writer that the looseleaf arrangement is unsatisfactory for primary authorities and for statutes in particular. The proper place for looseleaf material is in the secondary field. Oregon, Wash-

ington and to some extent, New York, have experimented with a looseleaf form of statutes.

One constant danger is that sooner or later some superseded pages are not replaced or new sheets are not inserted. Thus the set becomes a trap to the unwary user. Another problem is that the index for such a set can be kept current only by making a completely new index for the entire compilation after each session of the legislature. This problem of the general index for a looseleaf set of statutes is answered in part by a special device used in the *New York Consolidated Laws Service*. It uses two indexes. The laws are set out in a large number of individual pamphlets and the detailed section by section indexing is done in them. The general index is known as the Concordance Index which directs the researcher to the appropriate place to find the detailed index. Search for a particular section of the law, thus, becomes a two-step process. However, the indexes to the individual pamphlets still need changing after each session of the legislature if any changes in the law contained in a particular pamphlet have occurred. As a practical matter, few pamphlets remain untouched in the course of a regular session of the legislature.

It would seem that we, as law librarians, should keep our statute revisors awake to the impracticability of a looseleaf format in their work of statute revision.

Corrective Material Inserted by the Compilers. Corrective material inserted in statutes by the compilers may consist of various types. These represent two groups, those which are the result of omission or commission on the part of the compilers or revisors, and those which were the responsibility of the draftsmen or the legislature itself.

With respect to the first group, it must be said that no matter how carefully the statutes are prepared the steps and processes involved are so detailed and complex that it appears inevitable that some errors will occur in preparation of the compilation itself. When a set of statutes is supplemented, notes correcting errors can easily be included in the pocket supplements or the supplementary volumes.

Sometimes errors of compilation are called to the user's attention by means of errata sheets. This is the older practice and of necessity remains the only effective medium for those statutes which do not carry a supplementary service of some kind. Unfortunately, errata sheets are customarily overlooked in using a set of the statutes. The sheets are usually pasted into the front or back cover of the book in which the errors occur. Hence, the searcher should always glance at the inside covers to ascertain whether errata sheets are present, and if so, whether any of the information is pertinent to the particular section or statute in question. What the careful librarian will do when such an errata sheet comes in or is found in a volume of statutes when he receives it, is to make the appropriate corrections in the text of the volume so the correction can never be overlooked.

Sometimes attention to such errors is called in subsequently printed volumes of the same compilation. As an ex-

ample, volume 5 of the *Compiled Laws of Michigan* (1948) at preliminary page iv calls attention to certain errors in volume 1 of the compilation. It is doubtful whether any user of the compilation will think of looking there for the corrections of errors in an earlier volume, unless he knows from constant use that it is there. Here again the librarian does well to enter the necessary corrections or at least a caveat in the appropriate earlier volume so the errors noted in the later volume will not be overlooked.

Another form of corrective note which appears in many statutes serves a somewhat different purpose. This calls attention to the second group of errors, those for which responsibility rests with the legislature itself. If the mistake is an error of language only, the appropriate word or words which the legislature probably intended is inserted in brackets by the compilers with an explanatory note underneath the section. When it appears to the compilers that letters or words should be deleted from an act to clarify what the legislature meant, the redundant material is customarily enclosed in parentheses and an explanatory note is written underneath the section. These notes are put in both as an aid to the user of the statutes and as a guide to the legislature should it desire to amend the law at a later session.

Sometimes much corrective material is made necessary by a form of deliberate action on the part of the legislative body; namely, through legislation by reference. An example of this sort of legislation is a law which reads: "Whenever in the existing statutes reference is made to the Board of Pulp Examiners, the statutes shall hereby be deemed to refer to the Commission on Pulp Stripping." The compilers handle the problem in one of several ways: (1) The majority of compilers make no change in the text of the law, but they ordinarily include a compiler's note calling attention to the changes by reference; (2) Some compilers will use the old name or language as enacted but indicate the new name or language incorporated by reference in brackets, *e.g., New Mexico Statutes Annotated, 1953 Compilation;* and, (3) Some compilers substitute the new language for the old and insert a note to explain what words have been inserted in lieu of what other words, *e.g., Kansas Statutes,* 1949.

Abbreviations. The abbreviations used in a particular set of statutes should always be checked against the table of abbreviations. When abbreviations are used that do not appear in such a table they generally are standard and accepted forms. What the researcher must remember is that abbreviations to which he may have become accustomed through use of the *National Reporter System, Shepard's Citations* or other general law books are not necessarily applicable when he sees these same abbreviations in the statutes. As an example, he may well be confused by the following reference from the *Code of Georgia Annotated* if he is not careful to consult its table of abbreviations: "Cited 151/403, 405; 48 App. 418." The diagonal in the first string of figures stands for *Georgia Supreme Court Reports.* The abbreviation "App.," which in most general legal reference works represents the reports of the New York Court of Ap-

peals, here signifies the *Georgia Appeals Reports.*

III. *Construction of Statutes*

General Treatment. The general principles of statutory construction are, of course, set forth in a number of well recognized treatises on the subject.[5] It is not the function of this discussion to cover these here. It may be news to many researchers outside the state of Ohio that a mighty fine article on the subject appears in volume 1 of *Page's Ohio Rev. Code Ann.,* which is amply documented with case citations.

Statutory Rules of Construction. While in the process of interpreting federal statutes, extra-statutory legislative materials, such as committee hearings and reports, are usually available for the purpose of ascertaining legislative intent. This is not generally true with respect to state statutes. In that area the researcher is compelled to rely heavily upon more or less arbitrary rules of construction. The subject matter of these rules of thumb constitutes a portion of the typical law school course in legislation. A significant fact which should be brought out here, however, is that the statutes themselves frequently set up rules of construction. Since these rules are legislative enactments they supersede any general rules of statutory construction with which they may be in conflict.

A few illustrative statutory rules of construction may be noted in passing. *Iowa Code* (1954), §4.1 provides in part: "The repeal of a statute does not revive a statute previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the statute repealed." *Arizona Revised Statutes* (1956), §1-215(26) explains that "registered mail" includes "certified mail." *Delaware Code* (1953), Title 1, §302 declares that "tavern" also includes "inn." *Utah Code* (1953), §68-3-6 reads: "The provisions of any statute, so far as they are the same as those of any prior statute, shall be construed as a continuation of such provisions, and not as a new enactment."

Some revisors have utilized these rules effectively to eliminate verbiage. For example, *Kentucky Revised Statutes* (1953) provides that the word "person" may extend and be applied to corporations and partnerships as well as to individuals. Accordingly, in revising the statutes the customary phrase "person, firm or corporation," which is so often found in statutes, was discarded in almost every instance and in its place the single word "person" was substituted.

Mention should perhaps be made here of one more rule of construction found in the *Louisiana Statutes* (1950) with respect to what happens when a number is given to an enactment in both letters and figures, and the two don't match up. Louisiana provides: "Whenever there is a conflict between a number expressed both by figures and written words, the latter shall prevail unless such words obviously are contrary to the legislative intent."[6] Inasmuch as all legislatures are subject to the element of human error, adop-

5. SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION (3d ed. 1943) is perhaps the best known of the more recent works on this subject.

6. LOUISIANA REV. STAT. §1:6 (1950).

tion of a statutory rule of this sort would be desirable in every jurisdiction. Drafting rules in some states seek to avoid the problem by a requirement that numbers shall not be used.[7]

Preambles and Policy Statements, etc. Preambles and policy statements are sometimes included as sections of enactments and serve as aids in construction. Similarly, the title of an act may set forth the purpose of a particular law or of some specific amendment. Definition sections likewise are contained in many acts to aid in their construction. Section headings inserted by the draftsman may help. Numerous devices, in other words, are employed within the act to help the reader understand what the legislature meant to do. It follows that courts may be expected to exhaust first all possibilities of learning what the legislature intended by studying the intrinsic aids, *i.e.*, the various devices which appear within the act itself. If these are adequate there is no need to resort to extrinsic aids.[8]

Punctuation. It has been said by high authority that punctuation is no part of a statute.[9] In arriving at the true meaning of an act courts are supposed to read it with such stops as are manifestly required. Texas has fortified this general rule of law by a statute which expressly declares that "in no case shall the punctuation of a law control or affect the intention of the legislature in the enactment thereof."[10]

Notwithstanding such rules, whether statutory or court provided, proper punctuation of a statute adds immeasurably toward reflection of the true legislative intent.[11] The importance of an exact transcription of legislative punctuation is so well recognized by compilers in some states that provisions are made even as to use of the hyphen when it breaks at the end of a printed line. As an example, *Page's Ohio Revised Code Annotated* uses a double hyphen as a device to insure preciseness in the reproduction of the statutory law. It is used in those instances where a word breaks at the end of a line in the code at the same place where the hyphen appears in the enrolled bill. Without use of the double hyphen this fact, of course, could not be ascertained unless recourse is had to the enrolled bill on file in the secretary of state's office. Whether this degree of exactitude is practically justified may be subject to question.

Section Headings or Catchlines. Section headings or catchlines are subject to different treatment in the various compilations. As a general principle those which were supplied by the compiler have but little interpretative value.[12] On the other hand, a section heading or catchline which was part

7. The NEW MEXICO LEGISLATIVE STYLE AND DRAFTING MANUAL provides: "Numbers in the body of a bill are nearly always written out, and the figure enclosed in parenthesis does not follow."

8. State *ex rel.* Zimmerman v. City of St. Paul, 81 Minn. 391, 394, 84 N.W. 127 (1900).

9. Hammock v. Loan & Trust Co., 105 U. S. 77 (1881); U. S. v. Shreveport Grain & Elevator Co., 287 U. S. 77 (1932).

10. TEX. CIV. STAT. art. 11 (Vernon 1948).

11. As an example, in a new adoption act before the last legislature in New Mexico, inclusion of a comma at a particular point prohibited adoptions by any person whatsoever who was not related to the child to be adopted within the third degree of consanguinity. Omission of the comma, which the legislature actually intended, permitted adoptions by otherwise qualified residents in all cases and by nonresidents only if they were related to the child to be adopted within the third degree of consanguinity.

12. State *ex rel.* Emerson v. Erickson, 159 Minn. 287, 198 N.W. 1000 (1924).

of the statute as enacted generally does have considerable interpretative value.[13]

Some compilations indicate by compiler's notes which of the section headings were or were not part of the law as enacted (*e.g., N. M. Stat., 1941 Comp.*). Some compilations make no effort to analyze the status of the section heading. In some, section headings supplied by the compilers are placed in brackets and those inserted by the legislature are printed without brackets (*New York Consolidated Laws Service.*) The *Compiled Laws of Michigan* (1948) provide that if the section heading is preceded by the act section number, it is a part of the law as enacted; otherwise, the catchline is the work of the compiler. Statutory rules of construction may also provide what, if any, interpretative value shall be placed upon the section headings.

IV. *Numbering Systems*

Advantages of Permanent Section Numbering. The general rule to remember about numbering systems in statutes is that these should be simple and still as flexible as possible to permit insertion of new sections between existing provisions when additional legislation is passed by subsequent legislatures.

Several basic systems of numbering, each of them with a host of variations, are now in use. The system which makes it possible to retain basic numbers from compilation to compilation, however, is particularly desirable for various reasons: (1) Changes in numbering from one compilation to another bring about many errors. This fact becomes increasingly apparent when it is remembered that there are generally many thousands of sections, each of which bears a compiler's number; (2) Generally thousands of cross-references are included to other sections in the compilation; and, (3) Printer's type, once set up, can be retained for future revisions or compilations, thereby permitting gradual elimination of errors which may yet be discovered without the hazard of making a multitude of new ones.

Straight Numerical or Integer System. Oldest of the several numbering systems is the straight numerical or integer numbering system which remains in use in a few states.[14] The chief disadvantage of the scheme rests in the fact that it provides little opportunity for the insertion of new enactments. The scheme is almost completely unworkable if a system of pocket supplementation is contemplated.

Single Hyphen Systems. Kansas has long used a single hyphen system. Statutes which are based on this plan are divided into chapters, articles and sections, with the hyphen setting off the chapter number; thus, 8-599. The digit or digits which follow immediately after the hyphen designate an article of the chapter, and the balance of the number at the right indicates the section number. Hence, in the foregoing illustration, the number stands for Chapter 8, article 5, section 99. To make the scheme work in cases where section numbers in the article exceed 99, the section number is usually preceded by a comma; thus, 8-5,100. In addition to the state of Kansas, the

13. Mackey v. Miller, 126 Fed. 161 (1903).

14. VERMONT STAT. (1947) is a good example.

Bobbs-Merrill Company is one of the principal proponents of this hyphen numbering system.

Two-hyphen Scheme. A third scheme uses two hyphens, thus: 8-5-99. This means Chapter 8, article 5, section 99. No problem arises here when section numbers reach above one hundred since the second hyphen clearly indicates that it is the section number which has gone beyond two digits. This scheme also makes it clearer than the one-hyphen system can when the article numbers go over "9." Thus, the one-hyphen plan might be confusing to some if the section number read "13-1111," but there would be no possibility of confusion if it read "13-11-11."

Montana uses a combination of the two and three-hyphen scheme.[15] Its current compilation carries the title numbers to the left of a hyphen, the chapter numbers consist of one or two digits immediately to the right of the hyphen, followed by the number of the section within the chapter, but with two digits for the section number, a "0" preceding the numbers from 1 to 9. As an example, section 5-403 is section 3 of chapter 4 of title 5. The likelihood of the number of chapters within a title going over 99 is virtually impossible. When a chapter contains 100 or more sections, a second hyphen is used to the right of the chapter number. As an example, section 4-81-103 indicates section 103 of chapter 81 of title 4.

Number and Letter Combination Schemes. A fourth scheme starts with a basic number and then provides for expansion by adding letter designations for new laws that come in between. For example, the Maine compilation[16] uses chapter and section numbers which are expanded in this fashion. Suppose a new section is enacted which falls between Chap. 22, §26 and Chap. 22, §27. This new section is numbered as Chap. 22, §26-A, the next one as §26-B, etc. If later another section needs to go between Chap. 22, §26-A and §26-B, it becomes Chap. 22, §26-AA, and so on ad infinitum.

Decimal Numbering System. The decimal numbering system is perhaps the most popular and probably the best adapted to expansion without making the numbers excessively cumbersome. The Wisconsin plan is representative of this group. It uses a decimal point in place of a hyphen. The chapter number is to the left of the decimal point. It eliminates the concept of the article altogether by increasing the number of chapters. The decimal point makes it possible to insert new sections in their proper places. As an example, if it becomes necessary to insert a new section between 85.10 and 85.11, the new section can be numbered 85.101. This is possible because in the decimal scheme 85.10 is really the same as 85.100 and 85.11 is the same as 85.110.

South Dakota uses another type of rather effective decimal numbering.[17] Under its scheme numbers left of the decimal point indicate titles. The first two numbers or digits to the right always indicate chapters. The last two numbers or digits to the right always indicate sections. Thus, the section

15. REV. CODES OF MONTANA (1947).

16. MAINE REV. STAT. (1954).

17. SOUTH DAKOTA CODE (1939).

number "4.0912," broken down into component parts, would be: Title No. 4; Chapter No. 9; Section No. 12.

When the number of any chapter or section is less than 10, it is necessary to place a "0" before it so as to preserve the digit positions allotted for chapter or section and to enable a person seeing the number to distinguish chapter numbers at all times from section numbers. Thus, to number section 2 in title 3 of chapter 1, the number becomes "3.0102."

Combinations of Hyphen and Decimal Systems. To some extent the decimal system can be used in combination with each of the other schemes. For example, if a section must be slipped between sections 851 and 852 under the integer system, it is possible to number it as Sec. 851.1. In case a section fits between 8-511 and 8-512, it can be numbered 8-511.1. When it goes between 8-5-11 and 8-5-12, it can be numbered as 8-5-11.1. In principle, if a new article needs to be inserted between articles 5 and 6, this too can be done by introducing the decimal figure between the existing article numbers; thus: 51-5.1-7. This places it ahead of 51-6-1. Because this system is an admixture of two basic principles, however, it is awkward at best and not popular with users of the statutes. As a result, when it is at all possible the compilers prefer to place new sections at the end of the article even though doing so leaves something to be desired from the standpoint of logic.

Further Aids in the Numbering Schemes. A few incidental aids in numbering schemes may also be noted.

(1) Some statutes carry deliberate breaks in the numbering to permit insertion of subsequent legislation under whole section numbers. Insofar as such insertions can be effected, simplicity of the numbering scheme is maintained. This scheme of leaving breaks is adaptable to both those systems which rely upon hyphens and those which use a decimal breakdown. Using the decimal plan, the *Revised Code of Washington* begins with what is originally a three-digit factor, *e.g.*, ".020," ".030," ".040," etc., thus leaving nine vacant numbers between original sections so that for a time new sections can be inserted without extending the section numbers beyond three digits. In another code, using the hyphen system, only odd numbers are initially assigned for sections, *e.g.*, 3-12-1, 3-12-3, 3-12-5, etc. After the intervening even numbers are filled in the numbers can be expanded further decimally or by use of the letter plan.

(2) In a number of instances penalty provisions are given high section numbers so that there will ordinarily be a break in numbering between the regular section numbers and the numbers given to the penalty provisions. This makes it possible not only to place the penalty section at the end of the particular chapter or article, but also to assign to it the same section number in every instance. As an example, the *Kentucky Revised Statutes* (1953) and the *Oregon Revised Statutes* achieve uniformity by numbering the penalty sections as "990."

V. *Methods of Approach in Finding the Statute Law*

In General. All of the various meth-

ods of approach used in connection with finding the law by means of treatises, digests, encyclopedias and many other law books are also applicable to finding the law in the statute books, though not all of these methods of approach can be used in each particular case.

Title or Topical Analysis Approach. The law in the statutes is generally broken up in accordance with standard legal subject headings and is divided into appropriately named chapters or titles. Nearly all statutes carry a table of contents at the beginning of each volume and then a detailed analysis by sections at the beginning of each title or chapter. The danger in use of this approach lies in the fact that some sections will not be found under the title to which they relate, probably because they relate to more than one title, and that they may thus be missed. Parent volumes of the statutes also are generally better organized from a standpoint of their subject content within a particular field or chapter than are the supplements, since in the latter the location may become distorted by limitations of the numbering scheme. If the editorial job is good, however, stray sections will usually be picked up by those who venture deeper into the search than the topical analysis. In at least one instance, also, an attempt has been made to close this gap by the use of both numerical tables of contents, using titles and chapters, and an alphabetical table by standard legal subject headings. Thus a subject missed in the numerical table may be located through the alphabetical table.[18]

18. FLORIDA STAT. ANN. (1943).

Descriptive Word Index—The General Index. Descriptive word indexes approach the law through a fact-word method, though the detailed provisions usually are set out only under major legal subject headings. Numerous cross-references are also used in these indexes to direct the searcher to the major legal subject headings which carry the detailed breakdowns. For example, most statute indexes carry a heading "Bills and Notes" but with a cross-reference to see "Negotiable Instruments." There, under "Negotiable Instruments," will be found the detailed breakdown for that subject field.

Cross-references to the major subject headings will ordinarily, however, also set out inclusive section numbers for the entire or the principal law dealing with the subject. This feature is most desirable because it gives the researcher a choice. If he wishes, he can switch at that point to a Topical Analysis approach, or he can turn to the main subject heading in the general index in an effort to find the detailed entries in their alphabetical order.

In consulting the index the searcher should bear in mind that in most instances the lead word will be a noun. He should not look for an entry that starts with an adjective, a preposition, a conjunction or an adverb. Before turning to the index he should first determine what noun is most likely to be associated with the subject with which he is concerned, and then look in the index for that noun. He should also bear in mind that in indexing it is necessary to use some elements of a logical classification, and it is wise to select the general field before attempting to locate the detail. For example,

if he is searching for a provision relating to appointment of viewers for a drainage district, he will be more likely to find the applicable law under the heading "Drainage" than under "Appointment" or "Viewers."

Many state constitutions prohibit local or special legislation. In states where this is not the case, separate indexes are sometimes prepared of the general or public laws and of the local or special laws. Georgia is an example. Here the researcher must make a preliminary determination in his own mind whether the particular law he wants to find is general or special legislation and then consult the corresponding index. If it is a borderline case and he isn't sure whether it is one or the other, he may of necessity need to consult both. He cannot consult just one and assume that there is no legislation on the subject.

The general index to a set of statutes usually is found in the last volume of the set. The *South Dakota Code* (1939), however, includes it as a part of volume 2 of a four volume set. The reason for this, according to the explanatory note, is convenience—it is the volume most used by the bar.

An interesting gimmick found in *Colorado Statutes* (1953) that may be mentioned here is its so-called "Comparative Table of Chapter Titles to Index Boldface Captions Showing where Chapters are Primarily Indexed." The theory of the device seems to be that the searcher may be quite certain that the material he is looking for will be found somewhere within some particular chapter of the statutes, but he does not know exactly where to begin to look for the precise sections in the index. For example, he may know that his problem relates to blind and deaf persons and that, therefore, he will find his information somewhere in the chapter so captioned. But where? By looking in the comparative table under "Blind and Deaf Persons" he learns that if he will look under the primary index captions of "Aid to the Blind," "Deaf and Dumb, School for," "Industries for the Blind, Board of," he will find a breakdown of the material in the statutes covering these aspects.

Approach Through Popular Name Tables or Entries. As a general practice, the compilations do not carry tables of statutes cited by popular name, such as found in the *United State Code Annotated* for the federal statutes. However, there are a few, among them being a table in *Iowa Code Annotated,* a table on colored paper in the General Index to *Deering's California Codes,* a table in the General Index volume [vol. 12] of *Page's Ohio General Code,* and I believe, in *Throckmorton's Ohio Code.*

A somewhat more general practice is to include popular name entries in the general index in alphabetical order along with the ordinary index entries. Occasionally the effort to include such popular name entries is rather thorough. Usually, however, the entries are more or less incidental.

It should be noted that some *Shepard's Citations* carry tables of statutes cited by popular name which may, of course, be used in conjunction with the compilations; for example, *Shepard's Ohio Citations, Supplement 1930-1944,* beginning at page 923, and the

new *Shepard's Mississippi Citations,* beginning at page 405, etc.

Table of Cases Method of Approach. At least two jurisdictions provide for this method. The *District of Columbia Code* (1951), v. 2, pp. 1597 to 1662, and the *New Mexico Statutes Annotated* (1953), v. 12, carry tables of cases with full citations, indicating the sections of the statutes which are construed or involved in the cases cited in the tables. These provide a useful method of approach when the researcher is able to recall a particular case which involves a statute in which he is interested. He then merely refers to the name of the case in the table, ascertains the section number of the statute construed, and turns from there to the text of the act.

As an example of the table of cases method of approach, note the following entry from the *New Mexico Statutes* (1953), vol. 12, table: *Rumley* v. *Middle Rio Grande Conservancy Dist.,* 40 N.M. 183, 57 P. 2d 283. 20-2-5, 59-10-2, 59-10-7, 59-10-12. This indicates that four sections of the statutes are involved in the case which pertained to compensability for death under the workmen's compensation law. One of the sections of the statutes involved in the case is found in another part of the compilation, and conceivably its applicability to the situation might even have been overlooked but for this approach.

Definitions Approach. Statutes do not generally carry a separate table or index of words and phrases defined. However, sometimes under the heading of "Definitions" or under "Words and Phrases" may be found alphabetical lists of the terms defined by statute.[19] Thus again, a statute in point may sometimes be found most quickly by looking up a term defined in the law. It is a useful approach because frequently a legal problem centers around the specific definition of some word and if there is a statutory definition which is applicable to the situation, it, of course, controls.

Use of Case Law to Find Statutes in Point. Cases which construe statutes are digested and indexed by subject matter as is any other case law. When the proper subject matter to which the statutes of interest to the researcher relate is known, cases involving the subject may thus be found. When these cases in turn are consulted, citations to the applicable statutes are located through the headnotes or the opinions proper. This, of course, is a roundabout way. Nevertheless, it is surprising how often an applicable statute can be found by this method. Frequently also, it turns up statutes for the researcher, the applicability of which was unsuspected.

If a specific case is known to involve a statute on a given subject, then the enactment may sometimes be found more quickly by looking up the case and obtaining the statutory citation from it than by locating it through the subject index of the compilation. Even when a specific case is not known to the researcher but he has reason to believe the statute has been construed by the courts, he may find the statute by means of a West key-number digest or similar case law approach. It is ordinarily used as a last resort, but if an attempt to locate the law through use of the general index of the statutes or

19. *E.g.,* MASS. ANN. LAWS (1955), General Index.

the topical analysis approach have failed, this possibility should not be overlooked.

VI. *Annotations to the Statutes*

The published statutes are either annotated or unannotated, and some states have both annotated and unannotated editions. Actually, most of the so-called unannotated statutes include a limited amount of annotation. Some of the important types of annotations should now be considered.

Legislative Histories. Abstracts from committee hearings or reports are occasionally included. Most annotated statutes trace each section number back to its original enactment and the note will set out (1) the section number given the provision in previous compilations, (2) the session law citation of the original enactment, and (3) references to each of the amendatory laws. A note of caution in use of these history lines is in order. Sometimes a law on a particular subject which needs changing is revised and reenacted rather than amended and the prior law is repealed. Some annotated statutes start the legislative history in such cases with the new enactment and do not trace the history back to the earlier law, even though that earlier act was to all intents and purposes the predecessor of the existing law and in many respects identical with it.[20]

Some statutes do call attention to prior unconnected legislation by means of a separate annotation, sometimes referred to as "Source of Law" or as "Prior Law" which can then be consulted. When the statutes do not contain this additional information, it is wise for the researcher to turn to the session law which enacted the current statute to determine whether some prior law was expressly repealed by it and, if so, to make a comparison with the earlier law.

Some statutes use side notes or marginal notations giving the origin of each particular section. This manner of treatment is especially common in older compilations, though it is still used to some extent in current statutes.[21]

Some compilations handle section numbers for older or prior compilations in a different manner than the references to the original enactment and the subsequent amendments. They may (1) insert prior compilation section numbers in brackets or parentheses following the current section numbers and (2) insert the original session law and amendatory session law references at the end of the section.[22]

In some cases the history lines or notes are not complete in themselves but require reference back to older compilations. For example, the *South Dakota Code* of 1939 contains source notes which trace the laws back to the Revised Code of 1919 or subsequent session laws. The preceding history of a section is not given for the reason that "in order to trace it back, it would be necessary to have the 1919 Code in any event, and as this preceding history is given in that Code, there was no necessity of repeating it in this Code."[23] The *Code of Virginia* (1950)

20. *E.g.*, KANSAS GEN. STAT. (1949).

21. A current compilation using this plan is CONNECTICUT GEN. STAT. (1949).

22. *E.g.*, CODE OF ALABAMA (1940).

23. SOUTH DAKOTA CODE (1939), v. 1, p. 11.

similarly carries historical references back to the 1919 Code for that state, but no further. To trace back further, reference to the 1919 Code is required.

Some codes only show the original enactment together with the most recent amendment, if any, omitting reference to earlier amendments.[24] This is likely to trap the researcher who is accustomed to finding all the amendments listed in the history lines. He must, of course, check back through the session laws to determine just when a particular change which is pertinent to his problem occurred in the statute.

Title of the Act. Under the constitution of many states only a single subject may be included in the title of a legislative act. Some constitutions also declare that the subject of a statute must be clearly expressed in the title, and at least the portion of an act which is not reflected in the title is invalid. Other constitutions make both requirements. To ascertain the constitutionality or possible vulnerability of an act on the basis of the adequacy of its title, it is therefore important to know exactly how the title of the act is phrased. This makes it necessary to set out the title of each act in the statutes in some manner, so the researcher can decide for himself whether the title is sufficient in view of the specific problem at hand.

One practice of compilers is simply to set out the title ahead of the first section of each act at the point in the statutes where the law is compiled. Another procedure is to print the title verbatim as a note under the first section of the act.

Florida has adopted an interesting technique of reenacting all previous session laws in statutory form in the *Florida Statutes* at every session of the legislature, the effect of which under Florida decisions is to cure any technical defect with reference to the title.[25] The latest session laws in statutory form are not yet reenacted, of course, so that these remain subject to title defects until the next regular session of the legislature at which time their reenactment occurs.

Compiler's or Code Commissioners' Notes. Notes inserted by the compiler or code commissioners designated as such do a wide variety of things. They contain information which the editors or commissioners deem of sufficient importance to call to the user's attention. Perhaps their most frequent use is in connection with ambiguities, inconsistencies and apparent inadvertences which exist in the statute. These notes are also the proper medium for directing attention to the jurisdiction of origin of the statute in event it was borrowed from another state and such origin is known.

Comparable Provisions. A number of the statutes contain notes which call attention to similar legislation in other states so that it may be consulted for annotations to decisions there which interpret the comparable provisions of law in those states. Such notes are of particular value in connection with statutes which have not been locally construed.[26]

One warning that should be noted here is that these "Comparable Pro-

24. *E.g.*, REV. CODE OF WASHINGTON (1951).

25. McConville v. Ft. Pierce Bank & Trust Co., 101 Fla. 727, 135 So. 392 (1931); Christopher v. Mungen, 61 Fla. 513, 55 So. 273 (1911).

26. PAGE'S OHIO REV. CODE (1953) is a good example of statutes with comparative legislation notes.

visions" notes are not all inclusive. They must not be considered as calling attention to each and every act which is similar. There may be additional states which have comparable provisions and perhaps some which are even more akin to the law of the home state than the ones listed. Those given ordinarily are merely ones which have come to the compiler's attention, these being quite likely statutes of other jurisdictions compiled by the same publishing house.

Attention will also frequently be called under this heading to the uniform laws, though sometimes they appear under some other form of annotation. Most of the uniform laws advertise themselves, and some laws are declared to be uniform laws when in actuality they are not or contain material deviations. In some cases, the advertising features of a uniform act have been omitted. The New Mexico Uniform Insurers' Liquidation Act, for example, is neatly tucked away in the body of a general act on insurance in Laws 1953, chap. 85, without any indication that it is a uniform act.

When the fact that a particular act is uniform is known, the researcher can immediately turn to the proper volume of the *Uniform Laws Annotated* to find the entire body of "Notes to Decisions" under the uniform act from all the states which have enacted it.

Some comparative legislation notes set out the statutory citations for all states which have adopted a particular uniform act. When this is done it is possible, of course, to turn directly also to the annotated statutes of each of those states to find the construction placed upon the law there. The chief difficulty in this connection, obviously, is that the statutes of other states are not close at hand for the average practitioner. *Delaware Code Annotated* (1953) under its "Notes to Decisions" carries cross-references to the *Uniform Laws Annotated* in those cases where a uniform law is involved. This offers a direct access to the notes to decisions carried in the *U.L.A.* for each particular state that has adopted the uniform law.

Cross-references. Cross-references are important in calling attention to related statutes which may have a bearing upon the problem under consideration. Such references can also be used when parts of the same act must be compiled in different places in the statutes. Attention then is called to the location of the other parts of the act. As an example, a New Mexico statute in one section enacted an annual license fee for certain transactions, another section of the law created an exemption because of it under the sales tax act, and a third section created a similar exemption under the compensating tax law. Each of the three taxes falls in a different article of the statutes, so that the three tax provisions of the act fell into three different articles of the tax statutes widely separated from each other. Cross-references were used to call attention to the location of each section of the law.

In the *Oregon Revised Statutes* cross-references are placed with the Chapter Analysis at the beginning of each chapter instead of being inserted with the text of the appropriate sections where they ordinarily go because of the loose-

leaf nature of those statutes. This was done so that changes in the cross-references could be printed without reprinting the entire chapter. In effect the cross-references are similar to scope notes which are sometimes placed at the beginning of the chapters. The importance of cross-references to the researcher, of course, is that they locate related materials in the statutes. Unless the cross-references are heeded, it might be assumed that no related material is codified elsewhere.

Section to Section References. The section to section references call attention to the fact that the section consulted is incorporated by reference into some other act or part of an act. These references are of importance to the user in one or both of two important situations: (1) They call attention to applications of the law of which the searcher may not have been aware; and, (2) They act as a warning to the legislature that if the law is ever amended, an amendment may likewise be necessary in the act which makes reference to it, because amendments of acts incorporated specifically by such references are not ordinarily operative upon the incorporating act.[27]

Amendment Notes. The amendment notes point out the specific changes which were brought about in the law by the amendments adopted at each session of the legislature during which the law was changed. Such notes are particularly helpful to the user who does not have access to the session laws to check the changes at first hand.

Certain dangers are inherent in relying on amendment notes entirely. The compiler's task in noting the changes is detailed and meticulous and he may well miss some minute change. Even the change of a comma or bracket may be highly significant in light of the change sought to be achieved. Yet, it would be completely impractical for the compilers to call attention to each and every one of such minor details. While some courts have said that punctuation is not a part of the act, that statement contemplates that the court will go back of the legislative act or the enrolled and engrossed bill to find the intention of the legislature. Not all courts will do this and in such a case, I submit, the change in a comma or other form of punctuation may completely alter the meaning of the act.

A type of amendment note which is probably more worthwhile to the researcher than one which merely catalogues the physical changes in the language of the statute, is one which calls attention to the contemporary circumstances which gave rise to the changes in the law. Courts will take judicial notice of such contemporary circumstances.[28] Preparation of such notes requires someone who is close to the legislative scene so he will be thoroughly familiar with the background of legislation passed. The notes should simply point out the purpose of the changes sought to be effected and leave it to the researcher to judge or decide for himself whether the amendment accomplished the purpose sought.

Interpretative Commentaries. A few statutes carry editorial commentaries about particular laws or sections of the

27. Poldervaart, *Legislation by Reference—A Statutory Jungle*, 38 IOWA L. REV. 705, 724, (1953).

28. State *ex rel.* Hughes v. Cleveland, 47 N.M. 230, 141 P. 2d 192 (1943).

statutes as a whole designed to explain their object or purpose. These are frequently prepared by law school professors, judges or practicing lawyers who specialize in the particular fields of the law involved.[29]

Notes to Decisions. Probably the most valuable annotations are the digest paragraphs of court decisions which interpret the statutory provision. Ordinarily these notes include both state court decisions and decisions by the hierarchy of federal courts.

Notes to decisions under former laws on the same subject are frequently included. Even though the particular statute on which a decision was rendered is no longer in force, the language involved in the litigation or to be considered under the new law may be identical and as a consequence the old decision is as to that point controlling or at least persuasive as to the interpretation to be placed on the new statute. It should be borne in mind also that even when annotations are carried under a heading "Decisions under Prior Laws" or some similar designation, these will not ordinarily reflect minor amendments which are made in a section. Stating it conversely, the fact that a particular annotation does not appear under this heading but appears under notes to decisions interpreting the current law doesn't preclude a possibility that the current law has been amended in a way which affects the situation in the particular case now in issue. Mention should also be made of the fact that older annotations which have appeared in prior compilations are sometimes brought forward into later compilations without rewriting them in the light of subsequent changes in the statutes, though this is done by some publishers.

A desirable trend noted in some recent codes and compilations is an effort to include the date of the decision as part of the citations to the case notes. This is in accord with the *Uniform System of Citation* and is peculiarly advantageous in connection with annotations in the statutes because it tells the researcher at a glance whether any changes have been made in the law after the date of the decision. If such a change was made, he is placed on notice to make a more careful check of the decision itself to see whether the change in the law has perhaps made the authority of the decision inoperative.

A further thing to watch in using notes to decisions is this—if there is no note to a decision under a fully annotated statute section, absence of an annotation does not necessarily mean that the courts have not actually construed the statute. It is possible that the courts have construed the law without making specific reference to it. In their preparation of the notes to decisions, most compilers and annotators rely on actual citations in the opinions, as do the editors of *Shepard's Citations,* which the compilers use as a double check. It is only on occasion, *e.g., South Dakota Code of 1939,* that a set of statutes is found wherein an effort has been made to read and analyze every decision with an eye toward annotating it under a pertinent statute regardless of whether or not the decision has cited the statute.

When a large number of separate

29. VERNON'S TEXAS STATS. (1948) and IOWA CODE ANN. (1954) are representative of statutes with this sort of annotation.

notes appear under a particular statute they are generally preceded by a topical analysis. In most cases any notes to decisions involving questions of constitutionality are given first. Others are then added either under alphabetically arranged catchlines or under logical legal groupings. For example, the *Code of Virginia* (1950) employs these additional headings: (1) Construction; (2) General rules and principles; (3) Exceptions and limitations; (4) Applications and illustrations; (5) Procedural matters; and, (6) Miscellaneous matters.

A few compilations, when the information is available, include cases from the state from which the statute was adopted,[30] since these cases are considered virtually as imperative authority if decided before adoption of the statute and are at least persuasive as authority if decided after the adoption. West Virginia, which has an affinity historically with Virginia, includes notes to the decisions from that state in its Code of 1955. Some statutes also include leading decisions from other jurisdictions generally where such states have similar statutes. The user should be cautioned, however, that these references are by no means complete and that while such notes may appear in the parent volumes of a set of statutes, they frequently are not brought forward in the pocket supplements. A decision which might thus be relied upon may have been overruled.

Annotations to Attorney General's Opinions. A growing number of statutes contain annotations to attorney general's opinions interpreting the laws. The statutes of Massachusetts, Mississippi, New Mexico, New York, Ohio, Oregon and Texas, among others, carry many such annotations. Annotations to opinions which have been expressly overruled or which are confirmed by later court decisions are generally excluded. Where, of course, the original attorney general's opinion is noted in a parent volume and a later court decision, which takes a contrary position, appears in the supplements, the opinion remains in the statutes as a bit of bad law. The searcher must also bear in mind that all attorney general's opinions still in effect are not necessarily annotated. For example, the New Mexico annotations include only those opinions which are likely to be of value to the general practitioner or to many state officials in addition to the particular agency or individual for whose guidance the opinion was given. If, for instance, the State Game and Fish Department asks an opinion on how to spend its license fee money, the opinion is not annotated, but if the law is ambiguous as to whether an 18-year old must get a fishing license, the opinion will be annotated.

The *Statutes of Guam* set out important attorney general's opinions in full. This is partly, no doubt, because the law of the jurisdiction is as yet very limited and it is doubtful that this practice will be long continued.

Collateral References. Collateral references include many different types of notes that call attention to secondary sources of information which may prove helpful in interpreting a statute.

30. WYOMING COMP. STAT. (1945), for example, contains annotations called "Decisions under the Law of Origin."

Some of the more important of these references are here noted.

(1) *American Digest System.* Statutes published by the West Publishing Company and by some other publishers give the familiar key-number subject headings to permit the researcher to go to the West digests, whether state, regional or national, for decisions pertaining to the subject matter of the statute.

(2) *Corpus Juris* and *C.J.S.* references. These encyclopedia references give chapter and section numbers which direct the user to the exact place where textual treatment pertaining to the law involved in the statute may be found.

(3) *American Jurisprudence* and *A.L.R.* Statutes published by Lawyers Co-operative Publishing Company and its subsidiaries and affiliates, and by some other publishers, give references to the encyclopedic treatment and annotations which these tools afford.

(4) Local reference works. In a number of states references are made to various local texts or encyclopedias dealing with the subject matter involved. Thus, the Oklahoma statutes carry references to a local practice book known as *Manford's Digest.* Several statutes are annotated to *California Jurisprudence, Texas Jurisprudence,* etc.

Law Review References. Annotations to law review articles which deal with the subject matter of the statute are becoming more common and give the researcher access to scholarly treatment of the legal problems to which the statutes pertain. They accomplish the same purpose as "Interpretative Commentaries", except that the commentaries are incorporated only by reference. In most instances the references are limited to articles or commentaries published within the state. As as example, *Burns' Indiana Statutes Annotated* includes citations to the *Indiana Law Journal* and the *Oregon Revised Statutes* gives citations to the *Oregon Law Review. Page's Ohio Revised Code Annotated* includes notes to articles, editorial comments and case notes in several law reviews and legal periodicals published in Ohio. The *General Laws of North Carolina* contain annotations to the *North Carolina Law Review,* but not to *Law and Contemporary Problems* or the other Duke University Law School publications. The *New Mexico Statutes* (1953) includes annotations to law review articles of significance pertaining to the subject matter of the statutes from all periodicals indexed in the *Index to Legal Periodicals* for the twelve year period immediately prior to the compilation.

It should be noted in this connection, also, that more and more of the state citators published by Shepard's Citations now carry citations to law review articles under the appropriate section numbers of the statutory portions of the citators.

American Law Institute's Code of Criminal Procedure. Burns' Indiana Statutes Annotated refers from the Indiana Code of Criminal Procedure to the American Law Institute's *Code of Criminal Procedure.* Presumably other states could very well adopt this practice. Furthermore, similar annotations could well be included in the statutes to the *Model Code of Evidence,* the *Uniform Commercial Code* and simi-

lar model codes promulgated by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, the Council of State Governments and similar organizations.

Administrative Rules and Regulations. A few statutes carry references to administrative rules and regulations promulgated pursuant to authority granted in particular statutes. In some cases, however, the statutes do more than make reference to them. As an example, the *Code of Georgia Annotated* includes the rules and regulations of the State Board of Workmen's Compensation in complete textual form as an appendix to Title 114 of the Code which contains the workmen's compensation law.

The *New York Consolidated Laws Service* includes rules of the State Alcoholic Beverage Control Board in conjunction with the liquor laws and sets out other rules in the same manner in connection with other laws to which they appertain. The *Code of Laws of South Carolina* (1952), vol. 7, carries a collection of the rules and regulations which the various state administrative boards and commissions have adopted pursuant to the general and permanent laws of the state. When the rules are so included they are generally indexed in some manner in the general index to the statutes. A number of the statutes carry rules for admission to the bar even though no other regulations are included.[31]

VII. *Incidental Legal Materials in the Statutes*

The variety of incidental legal materials in the statutes of the various states and territories is interesting. Some of it consists of federal or other laws and treaties which have a special local interest or application. Some of it has no special local interest but is merely useful, and as useful in one set of statutes as it is in another.

Documents of Special Local Application. Documents of special local application consist for the most part of enactments of other legislative bodies. The following are representatives of this class:

(1) British documents. The Magna Charta appears in many statutes, such as those of Delaware, Illinois, Michigan, Oklahoma and South Dakota. The Charter issued to Maryland by the King of England appears in the *Code of the District of Columbia.*

(2) Treaties with other nations. The Louisiana Purchase Treaty of 1803 is found in *Arkansas Statutes* (1947); the Treaty of Guadalupe Hidalgo of 1848 and the Gadsen Purchase Treaty of 1853 are in the *Arizona Revised Statutes* (1956) and the *New Mexico Statutes* (1953). The treaty concerning session of Russian possessions in North America, the Fur Seal Convention of 1911 and the Halibut Convention of 1937 are found in *Alaska Compiled Laws* (1949).

(3) U. S. documents of historical interest. The Declaration of Independence is found in a majority of state statutes, the Articles of Confederation appear in the *Oklahoma Statutes,* the Ordinance of 1787 is in the *Smith-Hurd Statutes of Illinois,* etc.

(4) Documents of historical interest in the particular state. Former constitutions are frequently carried in un-

31. NEW MEXICO STATS. ANN. (1953), for example, carries these as a footnote to §18-1-8.

annotated form in the statutes. The New Mexico statutes contain the old Kearny Code of Laws promulgated by the military in 1846. Some of the statutes carry historical articles concerning the earlier constitutions. More or less detailed histories of prior compilations of the statutes are frequently included.

(5) Federal statutes of particular significance. Border states frequently include the naturalization laws of the United States. Miscellaneous federal laws which must be frequently referred to are found in many state statutes. The United States Constitution, of course, is carried in practically all statutes.

Special Documents of Local Application which are Adaptable to Inclusion in Statutes Generally. The locally applicable versions of various documents might well be included in statutes of all the states. Some illustrative examples follow:

(1) The Title Examination Standards adopted by the Oklahoma Bar Association are set out in the *Oklahoma Statutes* (1951) under Title 16 dealing with conveyances.

(2) The *Statutes of Guam* contain standing rules of the legislature. Since the statutes are used constantly by members of the legislature a similar practice might well be considered in other jurisdictions. They could be placed in note form under the article of the constitution pertaining to the powers and duties of the legislature.

(3) The *Colorado Revised Statutes* (1953) and the *West Virginia Code* of 1955 include the Canons of Professional and Judicial Ethics of the American Bar Association. These can logically be included either as notes in the chapters pertaining to Attorneys and Courts, or as appendices.

(4) The *Tennessee Code Annotated* contain a bibliography of articles and memorials concerning Tennessee judges and lawyers. References are to law review articles, historical reviews, state bar proceedings, court reports and other miscellany.

VIII. *Nonlegal Material Found in Statutes*

The publishers of some statutes have included documents and tables which, though of a nonlegal character in themselves, are used on frequent occasions by the bench and bar in connection with legal matters. It is well to remember that the following special features are found in many statutes: (1) Perpetual calendars indicating the day of the week on which a particular date falls each year, usually for a period from 1800 to 2000 A.D. The *Arizona Revised Statutes* carry a calendar which shows the days of the week from 1490 to 2000 according to both Julian and Gregorian calendars. (2) Mortality tables showing life expectancy at various ages, for use in connection with death by wrongful act litigation. (3) Annuity valuation tables giving present value of amounts due at the end of each year during the life of annuitants of specified ages at various rates of payment. (4) Interest tables using commonly used interest rates, figured both at simple and compound interest rates. (5) Census figures.

IX. *The Parallel Reference Tables*

Nearly all statutes carry parallel reference tables of one kind or another,

but there is a tremendous difference in the extent to which these go. Their purpose is to trace the location of a law from one set of statute books to another. Most of them work forward; that is, citations to an earlier set of books are carried forward to the later one. However, sometimes tables are included which work backwards; these take the place of a history line.

Tables are extremely useful when a statute is considered in an early court decision and it is desired to determine if the statute is still the law and applicable to the current situation. As an example, suppose an 1899 decision of the Utah Supreme Court construed a statute cited to the 1898 Utah Code. The case is in point and it is important to find out whether the statute is still in force, and if so, whether perhaps it has been amended. The parallel reference table from the 1898 Code to the current 1953 Code will quickly show the act's disposition and if it is still valid, exactly where it appears in the current statutes. If a statute has been repealed, the better tables will also indicate when and by what law it was repealed.

If the parallel reference table shows the statute is still on the books, a further reference to the history line which accompanies the section will then show whether it was ever amended since its construction by the court.

Another variety of parallel reference table which is much used translates the session law references to the latest compilation. Citations in cases which are decided soon after a law is enacted are of necessity in terms of the session laws since they are brought into the compilation for the first time. Some statutes carry session law tables forward from the last compilation only. The majority, however, either carry them from the very beginning, or at least from some early codification, so that almost any session law citation can be quickly traced into the current statutes.

Some statutes have separate tables for session laws repealed. A better form of table is the one which includes all session laws in one table, indicating therein which are repealed by what and which are still in force and under what section number in the current volumes. It eliminates the necessity of looking in two places in many cases.

Statutes of some western states carry extensive parallel references to the California codes from which they have adopted much of their law. The *Revised Codes of Montana,* in addition, carry parallel references to the Field Codes of New York, on which a number of the state's laws are based, enabling the researcher to look to the commentary and theory of the Field code provisions in construing the Montana statutes.

If it is desired to work from the later compilation to an earlier one, the researcher usually must consult the history lines in the later statutes. Some codes, however, provide tables of corresponding code sections which operate backwards. As an example, the *Code of Georgia Annotated* has a table which takes the researcher back from the current 1933 Code to the Codes of 1910, 1895, 1882, 1873, 1868, and 1863. If a person has a citation to a Code prior to the 1933 Code and wants to work back he can do this by first translating it into the 1933 Code citation by

the forward table and then by turning to the reverse table trace it backwards to its original compilation. If the earliest compilation is known, the Georgia tables also furnish the citations to all intervening compilations, not merely the most recent.

X. *Use of Pamphlet Laws*

Pamphlet editions of the laws serve some useful purposes beyond serving their current needs. The material in the bound volumes of the statutes and the supplements thereto are designed to determine what the law is at the time of search. The researcher, however, may need to know what the law was on the subject at some specific time in the past.

The pamphlet laws on a particular subject are frequently the best way to ascertain the state of the law at some specific time in the past. Their utility lies not merely in the matter of speed. In trying to go back to analyze the law of a particular time one may be vague about the presence or absence of other provisions. It is desirable for this reason to retain noncurrent editions of pamphlet laws. It is this same reasoning which has persuaded most law librarians to keep superseded pocket parts to the statutes by having them bound for future reference. The point is that material pertaining to statutes no longer on the books will be found in those supplements which cannot be readily located through any other source.

The pamphlet laws, furthermore, frequently contain rules and regulations, and sometimes forms, which have application to the statutes included in them. They provide to a measure the type of service which in New York State is available through the *New York Consolidated Laws Service.*

XI. Conclusion

In concluding this treatment of research in statute law, I can perhaps do no better than to note what Mr. Justice Frankfurter once said—that the process of statutory construction is not an exercise in logic or dialectic.[32] Every consideration must be pointed toward solution of the problem presented by the statute. To that end every step in statutory research and every technique at our command must be directed.

32. Frankfurter, *Some Reflections on the Reading of Statutes*, 47 COLUM. L. REV. 529 (1947).

Book Selection for the Law Library on a Limited Budget; *or, Practical Suggestions for Making the Book Budget Stretch in a Law Library*

by Arie Poldervaart, *Librarian*
University of New Mexico Law Library

The statement is sometimes made that it requires greater capacity as a librarian to select books for the small library on a limited budget than it does for a large library which is able to order virtually all new titles in the field as a matter of course. To a large extent this statement is true. A law librarian faced with the problem of a limited budget develops many practices over a period of years which he has found by the weight of experience will conserve his funds and will help him acquire some additional volumes.

Delay of Purchases Until the Ink Is Dry. The first policy I wish to suggest is that expressed in the phrase of "delaying the purchase until the ink is dry." Unless a new item is urgently needed for immediate use it will ordinarily pay for the library with limited funds to wait awhile before it buys.

As an example, I might cite the publication of the latest edition of a well-known legal treatise published in the past year. When the first flood of announcements came pouring into our law libraries most dealers announced the new work at $100 less a six per cent library discount. The very fact that announcements came from many different sources in a matter of two or three weeks was a tip-off that this was one of the so-called "gravy items" in book trade parlance. After the preliminary flood, in came an announcement or two which offered a library discount of 10 per cent. Soon another dealer came through with an offer of $20.00 off for the old set plus a six per cent library discount. Next followed a similar offer—$20.00 off for the old set, plus a 10 per cent discount. Eventually a salesman wandered in and offered $20.00 off if the library had the old set, which it could keep intact if it desired, plus the 10 per cent library discount.

Possible Arguments Against Delay. What arguments exist against delay? First, it is nice, of course, to keep up with the Joneses, but a library with a limited budget simply cannot hope to do this. A second and superficially more plausible argument for early purchase lies in the so-called prepublication price. Presumably if the library purchases before a specified date it gets a special prepublication price. Occasionally, perhaps, the library which delays does in fact have to pay a somewhat higher price, but not often. More often than not the wait proves worth the gamble. Sometimes this is because a competing set, which in reality makes a better buy, is an-

nounced soon after by another publisher. And the library with the limited funds seldom can afford to buy them both.

Policy as to Books Likely to be Bought by Practicing Lawyers. If a new set comes on the market which is likely to be purchased by the practicing lawyer, the library has an additional reason for waiting to purchase the book. In the first place, there is a place where the books can be consulted in an emergency until such time as the library has purchased them. More significantly from our point of view, it is almost a cinch that before the year runs out some lawyer who has bought the set quits practice or dies and the practically new set can be bought at a substantially reduced price. As an example, about a year ago a salesman urged us to buy *American Jurisprudence Forms* at a prepublication price of $175.00. Then came a flood of circulars and salesmen with the warning, "You have only a few more days before the price goes up. Order now." Stubbornly we held out. And the price went up. Two weeks after the price went uppety, a lawyer called the library and said he had taken a salaried government position, that he had noticed we didn't have a set of the *Forms,* and that if we wanted to take his virtually new set off his hands he would let us have it for one-half of the prepublication price paid by him, *i.e.,* for $87.50. We asked for and he produced physical evidence that the set had been paid for in full. We bought.

Policy with Respect to Books not Likely to be Bought by Local Lawyers. Local law books of other jurisdictions or other law books which are not likely to be bought by lawyers where the library is located present a somewhat different situation. You may need to wait quite a time before you can acquire such items secondhand. Yet, I cannot say that it isn't worth trying. At least two procedures have brought us excellent results.

(1) It pays to become acquainted with secondhand law book dealers and to tell them of the current sets you would like to get but cannot put in except at some substantial discount. Generally within a few months at the outside some one of them will turn up a slightly used set which he can offer at around two-thirds or three-fourths of the price new—quite a substantial saving.

(2) It does no harm to write to the publishers of the set and to explain to them that your budget will not permit you to buy the set at the new price, but that if they should receive back a repossesed set or one which is slightly defective but really quite usable, which they can send you at a discount, you will appreciate their consideration. Almost without exception law book publishers to whom we have had occasion to address such a plea have been able to accommodate us at one time or another at around one-fourth to one-third off of the regular price.

Avoiding the Out-of-State Differential. Out-of-state differentials have been the subject of some lively discussions at annual meetings of the American Association of Law Libraries. Perhaps the most notorious examples of these differentials exist in the prices of the statutes and compilations published by or for the various states. In

brief, publishers and some states set a higher price upon statutes which are sold outside the state than they charge for sets which are sold within the home state.

The most direct manner of beating the differential, and I must say frankly that I can see no good reason for being hesitant about trying to circumvent this discriminatory practice, is to have someone in the state where the statutes are sold at the in-state price buy them and then pay that person or library for the in-state price paid. Law school libraries can readily make such arrangements through their alumni who practice in these respective states, and other libraries can do the same through lawyers who have moved to such other states to practice. A number of our law librarians over the country also have offered to do this for libraries in other states in order to avoid the differential. Our law school library at New Mexico is indebted to a number of law book salesmen who travel several southwestern states who have arranged over the years to get for us statutes and other law books from neighboring states at the in-state price.

Another somewhat more indirect but nonetheless effective manner in which to beat the differential is for the needful library to make arrangements with a law library in the state whose statutes are desired to exchange their respective compilations. Each library can purchase a set of its own state's statutes at the in-state price and send it to the other.

Placement of Orders Through Subscription Agencies. Legal periodicals for which exchange arrangements are not available can be ordered through various subscription agencies or law book dealers at a slight saving in the overall cost. The greatest saving, in this instance, however, lies in the time saved in the processing of individual orders. Most of these publications allow discounts to the agencies and dealers which permit them to offer you a small saving on the overall cost of the subscription list. Subscriptions for session laws and U. S. government publications may likewise be handled in this manner, but without any savings in actual cost.

Savings by Use of Microcopies. Certain types of material are available in microcard or other microcopy editions. The cost is generally about one-third to one-half of the regular editions in book form. Hence, the possibility of acquiring this type of material should always be considered. Factors in addition to the savings in cost must, however, be taken into account.

A favorable consideration, particularly for libraries with serious space problems, is the fact that there is a tremendous saving in shelving. On the other hand, it is wishful thinking to believe that a microcard edition of anything is as convenient to use and as popular with the patron as the ordinary law book. Nevertheless, there are two types of material which the library should seriously consider acquiring in microcard form because of the savings in cost involved.

(1) Scarce materials which nevertheless add significantly to the library's collection may be purchased in many instances on microcard or in microprint at great savings. As an example, the early volumes of the *Yale Law*

Journal, the early New Hampshire court reports, and others.

(2) Space eaters which are seldom used may well be acquired in microcopy editions. Some very bulky materials of a legal nature, though used only occasionally, still are extremely important when needed. This makes ideal microcopy. Among the more important of these materials presently available are the United States Supreme Court appeal papers and the U. S. Congressional hearings. The Cromwell Library of the American Bar Foundation in Chicago sent out a bibliography recently of materials available in this form.

Avoiding Duplication of Material Available in Different Forms. Obvious duplications should be avoided. The library with a very limited budget can afford only one of the three different editions of the United States Supreme Court reports which it needs to keep up to date. The advance sheet opinions which are available for each of these editions should be saved so as to provide a second copy of the decisions after the bound volume appears. It will depend to some extent on what other materials are found in the library as to which of the sets the library should maintain. A library with the Lawyers Co-op edition of the U. S. Supreme Court Digest would no doubt be happiest with the Lawyers' Edition. If it has the West Supreme Court Digest, the *Supreme Court Reporter* might be preferable. If its principal patrons are the Supreme Court judges who like opinions published in large point type, the official edition will undoubtedly be preferred.

Another obvious duplication that can be avoided is that of the current state reports with the units of the *National Reporter System.* Probably all the state reports, except those units not in the *Reporter System* and perhaps the reports of the home state, can be eliminated. Or, if only a few key states and bordering states need to be covered, some or all units of the *National Reporter System* might be eliminated.

The Commerce Clearing House and Prentice-Hall looseleaf services and reporters on the same subject largely duplicate each other. Their expense does not justify a library with budgetary limitations to subscribe to many, let alone duplicate.

Materials that Complement Each Other, Reduce Need for Some Other Types. Law books of different types quite frequently complement each other in such manner as to eliminate or reduce the need for some other type. There is a great opportunity herein for the librarian's ingenuity to come into play. Thus, if the library has *Shepard's Citations* for a particular state, it may get along with an unannotated set of that state's statutes and save the cost of the expensive annotated edition of the laws and the expensive upkeep services on it. Conversely, if the library has an up-to-date case law digest and the annotated codes for a particular state, it may skimp along fairly well without the *Shepard's Citations* for that state.

A library which gets the CCH or P-H Federal Tax Service can probably dispense with Merten's *Law of Federal Income Taxation* and its rather expensive upkeep service. The library that gets *United States Law Week* can

probably skip the *U. S. Code Congressional and Administrative Service.* Conversely, the *U. S. Code Congressional and Administrative Service,* the *Federal Register* and the advance sheets to either the Lawyers' Edition or West edition of the U. S. Supreme Court reports will serve as a partial substitute for *United States Law Week.* If the library subscribes to *F.C.A.* and *United States Law Week,* it shouldn't order *U.S.C.A.* in addition. Conversely, if it subscribes to *U.S.C.A. and* its *U. S. Code Congressional and Administrative Service,* it can omit *F.C.A.*

The library which has to purchase all of its law review subscriptions should consider entering a subscription to the C.C.H. *Legal Periodical Digest* and for the *Law Review Digest* instead and then order individual numbers of the law review only when something not included or the complete article is actually required. If the library subscribes to the *New York University Law Review,* it can skip the *Annual Survey of American Law,* albeit some of the material which is included in the *Survey* does not appear in the *Review.*

A library which acquires all the session laws for another state can pass up purchase of the pocket supplements to the annotated statutes for that particular state. Conversely, if it takes the supplements to the annotated statutes it can probably leave out the session laws. Such library will have a special reason to retain superseded pocket parts since this is its only source of laws which may have been repealed and consequently are not printed in the later supplements.

A library which cannot subscribe to both *Shepard's Federal Reporter Citations* and the *United States Citations* probably should choose the *Federal Reporter Citations* inasmuch as at least some of the information available through the *U. S. Citations* can also be ascertained through the *Federal Reporter Citations.*

Coordination of Purchases with Other Local Law Libraries. Considerable money can be saved by avoiding purchase of certain material which is not heavily used and is available in another local law library. This suggests at once that law libraries within a particular area should plan their purchases so as to avoid duplicating purchases of relatively little used materials. Books to which this rule applies in particular include those which deal with specialized areas of the law. As an example, in Albuquerque it was felt desirable that a C.C.H. *Atomic Energy Law Reporter* be available in one of the local law libraries open to the bar. By agreement it was decided that the District Court Library should order and maintain this particular service. Main entry cards in the other local law libraries indicate that the service is available in the District Court Library.

Another manner in which funds can be conserved is by avoiding the purchase of treatises on the same subject by the same author by each of two or more local law libraries. Acquisitions should be so correlated, for example, that one local law library will order the *American Law of Property* and another the latest edition of *Tiffany on Real Property.* Care is necessary in this sort of planning because a law book salesman is likely to come through

selling one particular set and when he leaves town he is likely to have sold the set to every law library in the city. Ask the salesman directly whether any of the other local libraries have already acquired the set.

Some further savings can be effected by a certain amount of specialization on the part of the various local law libraries. In Albuquerque, for example, the law school library concentrates on research type material and seeks to acquire almost everything that is available in the fields of natural resources law and community property. The U. S. Circuit Court of Appeals Library concentrates on federal law and the District Court Library on books pertaining to trial practice. The fields in which there is no particular concentration in each library will be represented by only the most essential and basic works.

To facilitate the process of locating books within the various libraries of the community it is most desirable to maintain some kind of union catalog arrangement. Our particular libraries handle the problem by placing colored main entry cards in our catalogs covering items found in the other libraries, the cards indicating also, by use of a small rubber stamp, in which of the other libraries the particular book or set is available.

A further consideration for stretching the budget lies in actual pooling of some of the library resources within the community. This involves a recognition of the principle that public agencies do not necessarily need to house their law books at the headquarters of the agency. If all agencies will house books to which constant access is not required at some centrally located library, a phenomenally complete collection can quickly be built up. A city legal department may be willing to house and maintain many books on local government law in a centrally located library within the municipality; a local bar association, instead of maintaining another law library, may help maintain a library which is open and available to all members of the bar.

Participation by Private Law Firms in Law Library Maintenance. Participation by private law firms in the financial program of the library takes on a variety of forms. Simplest, probably, is some form of sustaining membership plan. The lawyer or the firm simply budgets a certain amount for the library service and pays it into the library account on quarterly, semi-annual or annual billings. If a sustaining membership plan is instituted, it becomes important that everyone be given an opportunity to participate. My personal feeling, however, is that a purely voluntary plan for contribution does not bring in sufficient funds to justify its existence. On the other hand, I do think there should be some scheme of junior memberships providing for free use of the library for several years after admission to practice or a gradual increase in the amount of the membership fee based upon the number of years the lawyer has been in practice.

Lawyers also can help out through the purchase of specific items in which they are especially interested. A particular lawyer may be interested in paying for a book which he wants to use if the library will order it. The li-

brary orders the book and pays the bill. The lawyer or firm reimburses the library. The book is turned over to the person or firm at whose behest it was acquired after it has been processed for use, and it becomes available to the use of others as part of the library after its return. Unless the book involved is a constantly used item, the firm or lawyer will find the arrangement has certain advantages, *e.g.,* (1) The book does not take up shelf space in the lawyer's or firm's limited quarters; (2) If a substantial number of lawyers in the community participate in the plan it will save each of them money in the long run because many duplicate purchases can thus be avoided; (3) Publishers may allow special library discounts, the advantage of which is passed on to the person paying for the books; and, (4) Since the check is made payable to a public institution the donor may gain taxwise.

Contributions Toward the Cost by Individual Patrons. Sometimes a patron calls for some book which is not available in the library but which you recognize should be among its holdings. The expense of borrowing the book from another library could well be applied toward the purchase of the book, and a suggestion to the patron that he pay such an amount on the purchase price of the book is nearly always successful. Furthermore, it will usually result in a substantially larger contribution toward the cost.

Even when the contribution is relatively small the aid will still be worthwhile. As an example, suppose the book is advertised for $10.00 and the patron is willing to pay one dollar of its cost. If the book is ordered in combination with other items so the total order exceeds $36.00, payment for the order in cash or within 30 days generally may bring another 10 per cent as a publisher's discount. Thus, applying the proportionate discount to the book ordered for the particular patron, the amount drawn from the library's book account actually is reduced to $8.00.

Participation in Maintenance of Library by Legal Department of Corporations. Certain business corporations or firms are particularly interested in law books dealing with their particular fields. Generally these are housed in the firm's offices or headquarters. Use of the specialized materials all too often, however, soon branches out to research with other legal materials. When the firm's legal staff is given ready access to the law library's more general facilities, the firm or corporation may be willing to transfer its specialized law books to the law library and there to maintain them. The following will illustrate only a few of the possibilities: (1) A local utility may help by maintaining *Public Utilities Reports* and the indexes which accompany it; (2) A local bank may help with the cost of several looseleaf services; (3) A mining corporation may help with maintaining books on mining and corporation law; and, (4) A wholesale liquor dealer may help maintain a looseleaf liquor law service.

Saving on the Cost of Upkeep Services. Periodically, at least once a year, the library on a limited budget must take stock of what it is getting. It should ask, "What services can be eliminated?" Agreed that all services which are used by the patrons should

be kept current if the budget permits, the librarian who has $400 to spend on them when he needs $4,000 to do the job manifestly must do some very severe trimming. He can only retain the most essential. In the average situation he feels he must keep up service on a set of *U.S.C.A.* or of *F.C.A.*, but supplements to most treatises can be eliminated in the emergency situation. Bound replacement volumes should probably be acquired even though pocket supplements to the same volumes are discontinued.

How to Keep Supplement Service Reasonably Current. Even though subscriptions to pocket supplements are discontinued, it may yet be possible to keep some works reasonably current through cooperation with members of the bar or other agencies. The library should, as an example, build up a list of practitioners who receive current supplements for leading treatises. When a new set of supplements arrives, the lawyers' secretaries, in accordance with prior arrangements, save the superseded parts and notify the library. A page, a student assistant or a member of the library staff picks them up or the lawyer himself brings them over the next time he comes to the library to do research. A treatise thus supplemented is not completely current, but it is nevertheless reasonably so. No set of legal textbooks can ever be said to be completely up to date, even with the latest supplements, because there is always a possibility of later decisions which change the treatment. Hence, the careful lawyer must bring his citations forward in any event, so the fact the supplements are not the very latest presents no serious extra burden.

This same procedure, if necessary, is usable with the legal encyclopedias, *American Jurisprudence* and *Corpus Juris Secundum*, and a number of other law books kept up by means of pocket supplementation or similar upkeep services.

Keeping the Statutes Current. A library with a limited budget probably cannot afford to maintain standing orders for the pocket supplements to the annotated statutes of the different states, and it will need to acquire the unannotated statutes when there is a choice, as there is in some states. Once the library has the parent set or an unannotated edition using the same section numbering, however, an arrangement for keeping these statutes current can usually be worked out in somewhat the following fashion:

(1) Law schools can contact their alumni practicing in the different states involved and ask them to send their superseded statute supplements as new pocket parts are issued. This brings the set up to two years of being current. The library then should pick up the latest session laws, either by an exchange with another law library in the state in question, or by purchase directly from the secretary of state or other state agency at a much lesser figure than the cost of the supplements. Besides, the session laws should be in the library's collection anyway.

(2) State libraries can usually make similar arrangements with state libraries of the other states. Bar association libraries usually know some former members of their association who are practicing in other states,

making similar arrangements possible.

In either procedure mentioned, the library should reimburse the sender for the postage spent in sending the supplements.

Stretching Funds Available for Shepard's Citations. Expenditure of large sums of money for *Shepard's Citations* when the book fund is very small is difficult to justify since it is obvious that primary authorities must be available before the search books can be of any real value. The manner in which the problem of citators has been handled in our law school library may be of interest.

At first the library carried current subscriptions to the citators of all the units of the *National Reporter System,* but almost from the start these proved inadequate without the bound volumes. Therefore, we cancelled the advance sheet service except on the Pacific, Federal and New Mexico citators. Each year at renewal time for the advance sheet services, bound volumes have been ordered with the money saved on advance sheets. Or, the library can alternate years, subscribing to half the services one year and to the other half the following year.

Bound volumes for the *National Reporter System* units should be built up first and rather quickly. State citators for nearby states which have been recently recompiled come next. The matter of recent recompilation must be given rather careful thought in order to minimize the danger of an expensive revision coming out too soon after a new citator has been put in. We at New Mexico next acquired important eastern citators—New York, Massachusetts, Illinois. Gradually, bound volumes of citators are being acquired for additional states. When we have them all, we hope gradually to subscribe to more and more of the current upkeep services.

Exchange of Duplicates. The exchange of duplicates can be used as a means of stretching a short library budget. It has its limitations in that it does not help much in the acquisition of brand new titles, but a library with limited funds may have to rely on it almost exclusively for filling gaps in its back files.

The first step in the program, of course, is to get acceptable duplicates to trade. Many duplicates, to be sure, just come. However, if the library wishes to make a fairly big thing of it, someone needs to work at it. The average law library usually has three principal sources of acceptable duplicate law books:

(1) Offices of the practicing lawyer usually are the best source. Those offices which begin to look crowded are the most likely to prove productive. When a lawyer offers some books or simply a book to the library, the offer should never be rejected, even when the particular item mentioned can be of no possible use, either for the library's shelves or for purposes of exchange. Almost invariably when the book or books offered are picked up something else will be thrown in and, more likely than not, this something else is much more rewarding than what was originally offered. It is a good practice to make clear to the donor as an invariable practice that if you cannot make use of the book or books in your library, you may trade

with another library for something that your library needs.

(2) Look for help from the estates of lawyers who have passed on which are being administered. Without becoming officious, it is entirely proper to help the estate by making appraisals of the lawyers' libraries, watching out for potential purchasers for the more salable sets, and in a variety of other ways. Generally the library winds up with the lion's share of the libraries because it is difficult to find a ready local market and the amount the secondhand book dealers at a distance can afford to pay hardly makes it worthwhile in most cases for the estate to ship the books out.

(3) Make friends with public officials at all levels. The new secretary of state may decide to clean out his storage vaults and be willing to turn over a lot of extra session laws or blue books. The recently elected attorney general who wants to remove as many evidences of his predecessor of another political party as possible will be happy to see you cart off the extra copies of the last attorney general's opinions. The insurance department printed up an oversupply of its rules and regulations. All of them will become useful to you in course of time as trading stock with libraries in other states.

The next step in the program is to negotiate actual exchanges. The most effective manner for the exchange of duplicates from one's own state probably still is to strike up a correspondence with a law library in another state which has similar interests. Session laws, statutes, court reports, attorney general's reports and opinions, and bar proceedings are always desirable for filling gaps in the back files. When possible, standing arrangements for current exchanges should, of course, be negotiated. Exchanges of back materials can frequently be encouraged by rechecks with libraries with which prior exchanges have been made since duplicates of local books are continually coming into these libraries also through gifts.

The American Association of Law Libraries' exchange program, conducted by its Committee on Exchange of Duplicates, is currently perhaps the most effective medium for the exchange of general legal materials and law books from states other than that of the state wherein the library is located.

"Literature of the Law" Purchases with Memorial Funds. A library which has a limited book budget should keep its purchases of books with this money restricted largely to the working tools of the profession. Legal history, philosophy of law, biographies of famous judges and lawyers, jurisprudence and comparative law, however, greatly enrich the library collection. These items lend themselves best for contributions made as memorials for departed lawyers and friends. When someone gives $7.00, $5.00 or $10.00 to purchase a memorial book for the library in memory of a dear one, it certainly will not do to mark the next volume of a Reporter series or state reports as a memorial gift because the cost of the volume happens to coincide with the amount of the gift.

The wise librarian builds up a wish file of desirable books in the literature of the law field, arranged according to their purchase prices. Then, when a

prospective donor comes in who wishes to get a book for $5.00, $7.00 or $10.00 as a memorial to the late "Mr. Doe," you can turn quickly to the section with $5.00, $7.00 or $10.00 offerings in the waiting list from which such person may make his selection.

The purchase of individual memorial volumes in lieu of flowers can be encouraged through the medium of appropriate suggestions which are framed and hung in the library's literature of the law or memorial room. Dignified and appropriately lettered bookplates should, of course, be placed in the volumes. The family or next of kin of the deceased person should then be notified of the gift and invited to be the first to borrow the book. If the deceased person was a member of the bar, this may suggest to the family the possibility of contributing his law books to the library.

Clubs and "friends of the library" groups sometimes arrange to make an annual memorial gift of a book to the memory of a departed member of the group. The arrangement gives the memorial a continuing vitality and helps the library in keeping its literature collection alive by the addition of fresh materials. Alumni groups are especially inclined to make a continuing memorial gift of this kind.

Most desirable memorial aids, of course, come in the form of gifts of the endowment type. Endowment gifts need not necessarily be in thousands of dollars in order to permit a notable contribution to the library collection. The gift of a flat sum of as little as $200 is enough, when placed at interest, to purchase a new literature type book, year in, year out.

Conscience Fund. Some lawyers, and we have found most students, have an aversion to admitting accidental or inadvertent damage to books in the library. Perhaps it was religious influence or something of a cultural nature—I don't know which—that caused someone to suggest that the library install some medium whereby when he was caught in that predicament he might clear his conscience. We have provided a place where damaged books may be placed so they can be repaired. One of our patrons has suggested that we arrange for a slot near the circulation desk where contributions can be made to ease hurting consciences. At one library I know about, contributions have been received in sums ranging from a few cents to as much as $25.00 to aid in the purchase of new books.

Diplomacy, too, helps with the return of books which have been surreptitiously removed, thereby avoiding the cost of their replacement. The sure way of not getting a book back promptly is to make a big noise about it. A few years ago our library bought a new set of form books. Within a matter of weeks after it went on the shelf the complete set disappeared. We kept an eagle eye open for it, but it didn't come back. Lack of funds prevented its replacement after we had given up all hope. Recently the conscience-stricken culprit sent us a typewritten note, unsigned, advising that he had returned the books to the main library which has a night depository for books returned after hours. He evidently wanted to make sure that we received our books back. The moral of this illustration is not to replace a

lost book unless it is really urgent. Sooner or later, usually, the replacement becomes an unnecessary duplicate because the lost book, like the prodigal son, eventually returns.

The Agency Account. Some libraries may find it possible to arrange with the fiscal authorities to whom they are responsible for an agency or nonreverting account for the library into which miscellaneous cash receipts may be channeled. It is important to stress at the outset that the fiscal authorities are apprised of the fact that moneys from whatever source derived, unless otherwise earmarked, will be channeled into this account. Funds accumulated are either used exclusively for book purchases or are left unearmarked so they may be used for any purpose for which they are needed by the library. A few of the more apparent sources of funds for agency accounts will now be considered.

(1) Sale of duplicates. Most library gifts include bulky sets of law books which cannot be readily exchanged with other libraries. These books, however, may have appeal to some local lawyer if offered at sufficiently attractive prices. Certain types of books, such as hornbooks, also may be turned over to students in the law school at prices ranging from twenty-five cents to a dollar per copy.

Our library started two years ago to make periodic offerings of duplicates at $1.00 per volume, or in the event of the more desirable items at whatever figure appeared reasonable. Each year several hundred dollars are realized to supplement the library book budget.

Occasionally some *duplicate volumes* can also be exchanged for *needed current sets* with secondhand law book dealers. A practice which helps considerably on the binding bill is always to check duplicates that come in against copies on the shelves. Often this results in replacing sheep bound volumes with buckram copies or copies of books badly in need of rebinding with copies which are still in sound condition. It may save as much as several hundred dollars annually on binding costs and in some libraries the amount so saved may then be transferred upon proper application to the fiscal authorities to the book purchases account.

(2) Receipts from fines accumulated on overdue books.

(3) Reimbursements for supplies borrowed from the library and compensation for damaged and lost books.

(4) Receipts from photocopy service. A growing number of law libraries are now installing photocopy equipment to make possible copying of court decisions, statutes and other legal materials from the library's collection. Receipts for this service, over and above the amount needed for supplies and incidental expenses, can frequently be used to build up the library book fund.

An interesting new opportunity for cooperation by law libraries from all parts of the country is possible by use of the photocopy equipment. For example, a patron comes to Library A for a particular court decision which is not within the library's holdings. Library A contacts Library B in the state or jurisdiction of origin which has the volume in which the opinion appears. Library B makes the photocopy, sends it to Library A, and charges the cost

against Library A's photocopy service account with Library B. Library A collects for the photocopy work from its patron at the same rate as it would charge if the book or decision had been photocopied from a book in Library A. Library B later, when it needs a photocopy of something in Library A, contacts Library A and the process is reversed. Eventually, if the amount of photocopy work done by Library B for Library A, or vice versa, is running out of balance, the libraries will balance their accounts by a cash payment.

(5) Miscellaneous receipts, as for messenger services, etc., can similarly be placed in the agency account.

Depository Materials. As a concluding medium for extending the library's book budget, we should not overlook the possibility of obtaining some types of legal material on a depository basis. The U. S. Superintendent of Documents does add new libraries from time to time to the depository list. What you need to do primarily, of course, is to convince the federal authorities that your library will serve the needs of a reasonably large segment of the public. In some states, at least, similar possibilities exist with respect to state documents of a legal nature. I recall that in New Mexico a number of libraries purchased sets of the *New Mexico Statutes* when, had they addressed a request for a set to the New Mexico Compilation Commission, they could have obtained one without any cost whatsoever.

If your library is part of a state or university library system, do not overlook the possibility of the transfer of legal depository materials from another unit of the same library system. For some time there was a question as to whether depository material sent out by the Federal Government addressed to a depository agency could be divided between two or more library units under the jurisdiction of such depository agency. It is my understanding that no prohibitions currently exist against such a division as long as the material remains readily available to the public. Thus, a main University library may be in a position to transfer legal documents sent as depository items to the law library of the University. The general state library may in the same manner transfer federal legal items to the state law library. Once such an arrangement has been made, the continuation volumes can then be sent over to the law library as these are currently received. I might add that if an attempt to work out an arrangement of this sort in the past has been made and failed, it does not mean that it will be futile to try it again at some future time. Conditions change. The personnel of libraries changes and conditions within a library change. I have known of situations where on first try the depository unit had no interest whatever in sharing its holdings with the law library unit, yet on a subsequent attempt welcomed the suggestion with open arms because it helped to alleviate a very serious shelving problem in the main library.

The Classification of Law Books*

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Introduction

Bibliothecal classification both in general and with respect to law is not a new topic. The classification of law books has been the theme for discussions at annual meetings of the American Association of Law Libraries since their beginning. At its first meeting in 1906 the suggestion was made that early consideration be given the classification of law books,[1] and four papers on the subject "Classification of law textbooks" were presented at the second annual meeting in 1907.[2] The most recent, of course, was the panel discussion presented at the annual meeting in Philadelphia last year.[3]

Closely allied to the classification of law books, although basically different, is the much discussed and controversial subject of the classification of law. For this reason, we find the classification of law books entering into discussions in groups which are not primarily interested in law libraries; for example, the Association of American Law Schools at its meeting in 1952 sponsored a panel discussion by Messrs. Hall, Cavers, Fuller, MacDougal, and Rheinstein entitled "Some Basic Questions Regarding Legal Classification for Professional and Scientific Purposes." References to bibliothecal classification are also to be found in legal literature other than that primarily devoted to law libraries. Justice Vanderbilt in his *Men and Measures in the Law* summarizes law library classification practice in the following statements: "Most law librarians have arranged their materials by jurisdictions so that all reports, statutes and other materials for a particular jurisdiction would be together. Treatises have been arranged alphabetically on the shelf from A-Z."[4] Both topics are discussed frequently in legal periodical literature. The *Index to Legal Periodicals* since its beginning carries references to 33 articles.

I assure you that I could provide a very interesting afternoon by relating the history of law classification for libraries and the discussions that have centered upon it, but I have chosen rather to discuss with you three more practical aspects of the subject, namely, why classify law libraries, what do we

* *Introductory Note:* Those attending the Law Librarians' Institute were given mimeographed copies of reference materials: (1) Outlines of Classification Schemes and (2) Law Classification Bibliography, the latter compiled by Ray R. Suput, University of Chicago Law Library. These reference materials are reprinted as appendixes to this article. Frequent reference is made in the article to the Outlines of Classification Schemes.

1. Orman, *Law Library Classification: Latest Phase* (review article), 11 LIBRARY QUARTERLY 211, note 8 (1941).

2. Berry, Hewitt, Wire, and Small, *Classification of Law Textbooks* (four papers), 1 L. LIB. J. 11-18 (1908).

3. Holbrook, Carleton, Stern, Ellinger, and Jacobstein, *Classification for Law Libraries—A Panel*, 49 L. LIB. J. 444-466 (1956).

4. VANDERBILT, MEN AND MEASURES IN THE LAW 23 (1949).

have to work with, if and when we do, and the current classification project of the Committee on Cataloging and Classification of the American Association of Law Libraries.

Part I

Why classify law libraries? With respect to general libraries this is indeed a superfluous question because few there are which do not employ some system of classification. However, with the Jennett survey[5] showing that as recently as 1955, 39 plus per cent of our law school libraries, a group where the need is probably greater than in other types of law libraries, use no classification, it would appear to be an important element of any discussion of bibliothecal law classification.

A few introductory statements with respect to the nature of classification and what it is we wish to classify will be helpful. E. C. Richardson, of Princeton University, in his work on *Classification* notes that "Classification is in its simplest statement the putting together of like things, or more fully described, it is the arranging of things according to likeness and unlikeness. It may also be expressed as the sorting and grouping of things."[6] What *things* are we as law librarians interested in classifying? The answer of course is books. What kind of books? Books which appear on the shelves of a representative law library, namely, books devoted to law including those which deal with it as relating to all fields of human endeavor and books used for general reference purposes.

I believe that we all are agreed that these books are the same as all other books in that they are more than mere printed pages assembled between covers. They are produced in order to offer information, and collections of them are housed as libraries primarily for the purpose of diffusing the information they contain. The moment you have more than one book, the same as anything else, a problem of relationship is created and the need for an arrangement is at hand.

This pragmatic approach to the problem as it relates to books suggests that the following factors must be reckoned with if an adequate classification is to be developed. In law libraries, especially, a classification must express the subject content of the books and their relationships subjectwise. An arrangement based primarily on the physical aspects of books, for example, size, color, etc., is useless in an open-shelf library which many of our libraries are. Here the pattern of consultation is unique with minute parts of many volumes as well as entire volumes or large sections of them being used. Direct access to the volumes consequently facilitates the work of our patrons and reduces the work of the staff. Certainly, our patrons do not look for books from the physical standpoint. However, a classification must be sufficiently flexible to permit the insertion of these physical entities at specific places on the shelves. Furthermore, the subject classification can be an invaluable aid to the librarian in book selection and in measuring the relative strength of the collection.

Then too, classification in law libraries must be an inclusive classifica-

5. Jennett, *Subject Classification in Law Libraries; A Survey—1955*, 49 L. LIB. J. 17 (1956).

6. RICHARDSON, CLASSIFICATION, THEORETICAL AND PRACTICAL 1 (1901).

tion of law and inclusive of other fields of knowledge, insofar as they are represented in a law library, systematized in accordance with the form and subject content of the books.

Lastly, the classification must be expressed by a notation system which is simple and clear in order that books may be readily found and returned to their correct places on the shelves.

We classify law libraries, therefore, in order to facilitate the use of books by our patrons and the handling of the books by the members of the library staff. This is a large order and delivery of a satisfactory scheme is long overdue. Again quoting from Justice Vanderbilt, ". . . it is almost startling to learn that none of the great systems of library classification furnishes us with an adequate breakdown of topics in the field of law."[7]

This delay may be attributed, I believe, to two erroneous ideas which have lurked in the minds of lawyers and law librarians, namely, one, that law and law books cannot be classified and two, that law libraries because of their peculiar nature do not need to be classified. A discussion of these points of view will, I think, further clarify any question with respect as to why we should classify our libraries.

Whether or not or how law can be perfectly organized into groups, I, not being a specialist, do not feel qualified to say. A perusal of the literature down through the years indicates that there have been and still are vast differences of opinions among the experts as to what the best organization of law should be. As Professor Kocourek points out in his article on classification of law, "From Gaius up to the present day, having in view only the streams of law with which our own is affiliated, much has been written on arrangements of the law, if not also on classification, as we venture to define that term."[8] Since, as I have pointed out, we are basically interested in the classification of books and not of knowledge, this factor need not deter us in a pursuit of a satisfactory scheme of classification for our libraries. Let us, for example, take the excellent breakdown of law as stated in judicial opinions provided in the *American Digest System* and see if we can find a heading for such a simple book as Moynihan's *A Preliminary Survey of the Law of Real Property.* Our search reveals no heading for *real property* either as such or under the broader heading *property.* The Descriptive Word Index indicates that matters dealing with *real property* are dealt with under special headings scattered alphabetically, A-Z. No, a breakdown of law purely as a discipline is not the answer to our problem in bibliothecal classification.

Now what about the need in law libraries for classification. The collections in most American law libraries deal predominantly with Anglo-American law. Fortunately for law librarians these books are self-classifying, as Mr. Stern pointed out in the panel discussion on classification for law libraries last year in Philadelphia. That is, they fall logically and usefully into such categories as statutes, court reports, periodicals, etc. Thus, we have had a fairly useful arrangement, even though

7. VANDERBILT, *op. cit.*, at 22.

8. Kocourek, *Classification of Law,* 11 N.Y.U.L.Q.R. 319 (1934).

it has proven troublesome in spots, for a vast majority of the books in our libraries. Treatises have had and still play a minor part in Anglo-American legal research, and for this reason collections of them in libraries are small. Even though monographic material lends itself to systematic grouping because collections are small, no particular need has been felt for other than an author arrangement. This comparatively easy approach to arrangement in our libraries has made administrators, even those in larger libraries, slow to see how a subject classification with all its intricacies can be of any possible help.

In a situation as outlined above the assumption is that the patron and the librarian know the author, editor, etc., of every book they wish. If this were ever true, it certainly is fading fast because of the tremendous amount of printed material which is appearing today. Then too, in this age of specialization lawyers and others interested in legal research are aided by finding all material with respect to their particular subject interest on the shelf together. Miss Jennett points to this need as the reason for her survey in 1955. At the University of Chicago where in 1946 it was decided to arrange the treatise collection by author, we now receive requests for collecting all materials, for example, on admiralty or torts, together. At least one bar association library I know of has felt the need to collect all books together on such subjects as labor and taxation. Only recently a librarian of a law firm in Chicago offered me the information that he had arranged his materials into selected subject groups because they were more and more being used that way. If libraries in any way are to provide useful service, they must face constructively the ever growing quantity of materials and the current methods of legal research.

With the accelerated intercommunication of countries what it is today and the promise of its further growth in the future, inevitably the study of and reference to foreign law systems will increase in our libraries. Differently from the case of Anglo-American law, monographs play a much more important role in foreign jurisprudence and their publication is multitudinous. Also, research in foreign law is carried on in terms of the various legal systems. These differences in published materials and in approach of study make subject classification almost a necessity in the case of foreign law. Indeed, it is interesting to note that the need for subject classification was first felt in libraries which have sizable foreign collections. At the University of Chicago a professor of Latin American history, by requesting that the laws of South American countries be arranged together and not grouped alphabetically with all other legal material in unclassified K, precipitated the movement for classification of law in the library. I think that the day is not too far off when all law libraries will find their foreign collections growing, and experience indicates that the subject classification of these materials can expedite the servicing of them.

Another idea, erroneous in my opinion, is that there is little if any need for call numbers on the books in our libraries. Of course, all that I have to say about call numbers presupposes a

simple and clear notation system. In general, we can agree, I think, that the various types of markings placed on the spines of books by publishers offer little to help one locate easily a volume on a library shelf. All too frequently even the name of the author does not appear on them. No, some clear mark in approximately a uniform location on the spine of each book aids the eye tremendously to catch what it seeks. I grant that it is more difficult to justify call numbers on the long sets of the well marked volumes which occupy a large percentage of our shelves. Yet from my own experience and that of other law librarians with whom I have discussed this matter, I am prepared to say that the cost of adding the numbers to these volumes is negligible considering the time saved in servicing them. It must be remembered that once a number is assigned to a set, which is the really costly element in the procedure, the application of the number to the volumes costs relatively little. Furthermore, many works may shelve equally well within two or possibly more categories which the library has set up. For example, the Pennsylvania side reports which are issued under titles suggestive of periodicals, *e.g., Lackawanna Jurist, Lancaster Law Review,* etc., may shelve either under Pennsylvania court reports or under periodicals. I am not interested now in what the decision is, but without numbers assigned to these reports indicating a decision as to their location, I fail to see how consistency in shelving, which is of great import, can be maintained even in a library with one superman as librarian. Or again, Gwillem's reports of tithes cases are published under the title *A Collection of Acts and Records of Parliament with Reports of Cases . . . on Tithes,* but the binder's title reads simply "Gwillem. Tithes." Every time these books are looked for or replaced on the shelf, even if opened and the title examined, a question arises of whether court reports, statutes or by chance a treatise collection is the chosen location. To be sure in a small library there are not so many decisions required, but I venture to say that even here, unless they are recorded by means of a call number on a book, inconsistency will arise and time will be spent in making the decision over and over again. Someone has said that a book without a call number in a library is classified every time it is used, a costly procedure.

Finally, what about the cost of classifying? Every library administrator is interested in this matter and rightly should be. Because classification is closely allied to cataloging, I doubt if any cost studies have been made of it as such. I have failed to find any. Subject cataloging is expensive and constantly catalogers are being asked by administrators of libraries to devise ways and means to reduce such costs. However, I very much doubt that the assignment of classification numbers as a routine, in addition to subject cataloging, adds much to the total cost when performed by a person with a knowledge of the subject content of law books and the basic principles of library cataloging and classification. I cannot help but believe that the major cost may well be attributed to the time involved in making a decision with respect to subject and that the actual selection of the number and its application to the book involves but little

additional clerical cost. With so many multivolume sets in law libraries, as I pointed out before, the number of decisions which must be made is therefore comparatively low when we consider the number of volumes involved. For this reason the cost of classification, in all probability, could be a trifle less than in other types of libraries. The cost of cataloging and classifying must always be weighed against that involved in circulation practices. It is not economical to ignore the cumulative cost involved in locating and reshelving inadequately marked books. Also, the added cost of operating an alphabetically arranged charging file rather than one set up by call number and of taking inventory and tracing missing volumes without a record of their exact location on the shelves always must be taken into consideration.

To summarize our answer to the question as to why classify is to say that the call number on the book representing its subject content facilitates the use of the library by patrons and aids the librarian in developing a well rounded collection and in servicing the materials in the library at a justifiable cost. While this is true to a greater or less extent depending upon the size of the library, I, for one, venture to believe that some degree of classification represented in a notation system applied to the spines of the books is a practice well worth its cost even in a small library.

Part II

Next, I should like to devote my attention to a discussion of the present situation with respect to law classification schemes. I doubt if anyone knows how many such schemes there are, even those in the United States. Dr. Shera, Dean of the School of Library Service of Western Reserve University, where classification schemes devoted to particular subjects are being collected, presented me this year with a list of 10, four of which I had never heard. Dr. Ellinger, on request, compiled this year for the AALL Committee on Cataloging and Classification a list consisting of eleven additional schemes in the United States and eight in foreign countries. So you see we have a wealth of schemes to choose from when we classify. Therefore I shall have to be selective in those we discuss here today. They fall into two groups, those within general classification and those which have been prepared specifically for use in law libraries, autonomous or non-autonomous.

Law collections within general libraries and non-autonomous law libraries in general are composed primarily of the general and technical law books with books relating to the law of a particular subject classed with that subject. That is, Clark's *Handbook on the Law of Contracts* is classed under law, and MacNaughton's *The Development of Labor Relations Law* is classed under labor. Such practice is based on a number of hypotheses which for the purposes of this discussion need not be gone into. Suffice it to say that they are difficult to justify.

For our discussion today I have selected the two schemes most used in libraries of the United States and a third which I think should not be overlooked because it was originally prepared for a law library.

The oldest, and most used in public libraries especially, is the Dewey Classification, first issued in 1876, with a 16th edition now in preparation.[9] In it, law forms a section of the Social Sciences. The numbers 340-349 are assigned for law broken down into the main classes. (See Section I of Outlines of Classification Schemes) You will, I am sure, note at a glance that even in this 14th edition, the breakdowns are in no way adequate for a law collection. There is some expansion in the 15th edition. I regret not to have had time to inquire into the type of changes which are to be made in the forthcoming 16th edition. Be that as it may, any adequate expansion in Dewey of necessity will involve lengthy decimal numbers because only the ten numbers 340-349 have been assigned for law. Excessively long numbers, especially without letters to break them, are difficult to use.

A second scheme is the Wire expansion of the Cutter *Expansive Classification*[10] published in several versions between 1891 and 1903. This classification was prepared by Dr. G. E. Wire when he undertook the reorganization of the Worcester (Mass.) County Law Library in 1898. The general outline of this scheme shows that Dr. Wire actually achieved a subject classification. (See Section II of Outlines of Classification Schemes) A study of the further breakdowns, however, suggests that many of its basic concepts have changed; for example, Labor Law under Municipal Law. Although in use in a few law libraries, it has not found particular favor in all probability because it was taken over in its entirety by Cutter for his scheme; it is one which has not succeeded in gaining the popularity of the Dewey and the Library of Congress systems.

While the Dewey Classification has found favor in public libraries, the other great system of classification, that of the Library of Congress, has found favor in college, university, and research institutional libraries. Perhaps the paramount reason for its popularity is that libraries can save substantially, in the costly area of cataloging and classification, by the card distribution and upkeep service the Library of Congress offers to libraries. However, as you know, law librarians cannot share such an experience in so far as classification is concerned because "Class K" designated for legal materials in this classification has not been developed. Because of this lack and because of failure on the part of librarians to realize law as something more than an aspect of other fields of knowledge, much legal material has been placed in other classes. In libraries using the LC Classification, I am sure, considerable forcing has taken place; that is, even where no specific numbers are provided in the schedule for law or legal materials, numbers have been created. A revival of interest in the development of "Class K" at the Library of Congress began to appear in 1948. (For the suggested plan for its development, see Section III of Outlines of Classification Schemes)

Because we law librarians are still in search of an adequate classification for our libraries, I feel we must acquaint

9. DEWEY, DECIMAL CLASSIFICATION AND RELATIVE INDEX (Edition 14, 1942).

10. CUTTER, EXPANSIVE CLASSIFICATION: SEVENTH SCHEME (ed. by W. P. Cutter, 1893). Sheets containing Social Sciences, H-K, at pp. 36-74.

ourselves thoroughly with developments at the Library of Congress. Therefore, at the risk perhaps of devoting too much time to this matter, I am going to give you a somewhat detailed account of progress as taken from the *Reports of the Librarian of Congress*, 1949-1956.[11] It will not only reveal what has taken place to date, but will shed light on some of the problems the Library of Congress faces in this tremendous project.

Reports of Librarian of Congress on Law Classification, 1949-56

1949

"A beginning has, at last, been made on the development of a classification for Law. It seems now a curious error of judgment that a separate classification for this discipline was not provided in the early decades of this century. The failure may be attributed in part to the view of the Library's catalogers in former generations that law was merely an aspect of other branches of knowledge, and in part to the stoutly maintained position of successive Law Librarians that no fully developed classification was needed for the management of the legal collection. That the Library finally has undertaken this important step is due in no small measure to the urgent solicitation of the American Association of Law Libraries which designated a number of its interested and eager members to serve on a committee in cooperation with the Library of Congress."

11. LIBRARIAN OF CONGRESS, ANNUAL REPORTS: 1949, p. 123--24; 1950, p. 123; 1951, p. 79; 1952, p. 71; 1953, p. 89; 1954, p. 28; 1955, p. 19; 1956, p. 15.

1950

"Because of lack of an adequate staff, progress on the development of a classification for Law has not as yet gone beyond the preliminary stage of preparation. Since requests for the necessary personnel, submitted during the year, were not provided by appropriation, there is little, if any, prospect for the early development of a schedule. The Library has had the benefit of continuing cooperation with the American Association of Law Libraries and it is earnestly hoped that the postponement of this important undertaking will not be unduly protracted."

1951

"The increased flow of work into the Subject Cataloging Division and the lack of additional manpower have thus far made it impossible for Class K, Law, to emerge from the blueprint, or theoretical, stage of development."

1952

"The failure of the Library during past years to develop a classification for law not only has handicapped the control and service of legal publications in the Library of Congress but has placed a burden on the many institutions that look to the Library classification for guidance. For these reasons, a committee of staff members was established in the spring of 1949 to draw up proposals regarding the structure and contents of Class K (Law). These proposals were the subject of a joint meeting in May 1949 between this committee and the Committee on Cooperation with the Library of Congress of the American

Association of Law Libraries. The meeting resulted in an interim report, which was accepted by both the Library of Congress and the AALL. That report provided the framework for the development of Class K.

In January 1952, Dr. Werner B. Ellinger of the Subject Cataloging Division was assigned to develop the classification. He devoted his efforts to the development of schedules for foreign law, beginning with German law because the German legal system has been so widely adopted by other countries. The tentative schedules developed will be tested by actual application to books in the Library's collections and will be sent to the members of the AALL and to other law libraries for comment."

1953

"It was not until 1948 that a committee was appointed, consisting of members from the Law Library and the Processing and Reference Departments, to work out the basis for a schedule for Class K (Law). Their work was approved both by the Library administration and by the American Association of Law Libraries in 1949. A request for 10 positions for a 10-year period to develop and apply the schedule to the law books in the Library of Congress was included in the budget estimates for fiscal 1951 but this was not granted. In fiscal 1952 the committee on Class K was reactivated, and in fiscal 1953 working papers covering German law and Roman law were prepared in the Subject Cataloging Division and copies were distributed for comment. The field of civil law rather than common law was selected because civil law, as a codified law, lends itself more easily to systematic classification.

Work on Class K has already resulted in bringing to the Law Library many types of legal material, now recognized under the philosophy of Class K as law books, that for many years were regarded merely as legal aspects of subjects included in Classes A to J and L to Z. It will, however, be many years before the estimated 200,000 to 300,000 volumes of such character in the general collections are removed to the Law Library."

1954

"Werner B. Ellinger continued his work on the development of a classification for Law (Class K). He completed an outline for the history of German law, which was distributed for comment and criticism to a selected list of law librarians and subject specialists, and he has in preparation an outline for canon law."

1955

"For the past several years Werner B. Ellinger has devoted considerable time to the development of theoretical preliminary schedules as the first stage in the constitution of a law classification. They have been processed as working papers and distributed to specialists for comment. Papers on modern German law and Roman law were prepared in earlier years. During fiscal 1955 Dr. Ellinger completed his work in the history of German law, and these preliminary schedules were issued as Working Paper No. 3, "History of German Law." He then resumed his research in ecclesiastical law

and completed Working Paper No. 4, "Canon Law," comprising the canon law of the Roman Catholic Church, the law of the Eastern churches and of the principal Protestant churches, and the secular church law of Germany. At the request of the Law Library, Dr. Ellinger also developed provisional schedules for Chinese law, derived in large part from those he had developed for German law. This classification, which was tested by applying it to approximately 1,800 titles, most of them in Chinese, was issued as Working Paper No. 5, "Law of China." Schedules for Japanese and Korean law are to follow. The experimental application of the classification to Chinese law makes it seem probable that a wider use of general tables may be possible; this would significantly reduce both the length and the cost of the work."

1956

"Werner B. Ellinger continued his work on the development of a classification for Law (Class K). He prepared provisional schedules for English law and legal literature which will be distributed, as 'Working Paper No. 6,' to a selected list of law librarians and subject specialists for comment and criticism. Estimates were prepared and procedures outlined for a pilot project for the classification of German law."

This is the picture of the Library of Congress project. We can easily understand how fiscal policy, lack of personnel, and pressure of other work can be deterrents to the completion of this work in the too near future. Will it be what law librarians want?

Personally, I do not believe it will be the answer, although there can be no doubt that it will be an excellent scheme because of the able specialists who are responsible for its development. The basic outline suggests a most desirable breakdown from the standpoint of logic and usefulness. Although the working papers thus far appear to be in far too much detail even for the largest collection of law, we are assured repeatedly by the authorities that such great detail will not be included in the final draft. However, if it is to fill the needs of the Library of Congress, a large library, it must be detailed to a degree that the average law library does not require in a classification scheme. True, it will be a scheme which with intelligent adaptation could be employed in smaller libraries, but adaptation of it or of any other scheme calls for much thought and time of the library assistants, so that libraries would necessarily be deprived of any saving which they might expect to earn as the result of having ready-to-use call numbers on the cards which they buy. Lastly, because it is a section within a classification of other areas of knowledge, it cannot possibly satisfy the law librarians who find it so helpful to integrate the small percentage of non-legal materials which they must have in their libraries with those of a strictly legal nature.

Now we turn to classifications which have been devised by law librarians for use in their libraries. Here again I shall have to be selective for discussion purposes. I have chosen four, three of which are fairly comprehensive in coverage. A fourth, although to date it does not cover all areas of law, is a

sample of a true subject classification.

Probably the best known and most widely used one is the Hicks Classification scheme prepared for use in the Yale Law Library and published in 1939. The Hicks Classification provides for both legal and non-legal materials and under these subdivisions for some subject groups, some form groups, and for some materials grouped under countries. (See Section IV of Outlines of Classification Schemes) This arrangement, however, has not been expressed in the notation system and therefore the books appear on the shelves for the most part without any relationship expressed between the groups. To use Hicks's own words, "Although there are in fact three main divisions of the scheme (*i.e.*, (1) special subject classes, (2) Anglo-American law, and (3) foreign law), the groups that make up these theoretical divisions are not tied together by common symbols, nor are they shelved together unless it happens to be convenient to do so. The basis of procedure was that the classification should serve the library, rather than that the library should be bound by a preconceived theoretical classification. It does not purport to bring all material in a given subject together. This seemed to be neither possible or desirable and therefore emphasis has from the outset been laid on the subject side of the card catalogue."[12] The Hicks scheme is an example of an excellent arrangement for law books which provides on the whole for arbitrary groups rather than interrelated subject groups and does not realize any relationship between the various groups on the shelves through notation symbols.

The most scholarly subject classification for law which has been worked out is the one prepared by Professor A. Arthur Schiller of Columbia University Law School for use in that library.[13] You will find an outline of this scheme at Section V of the Outlines of Classification Schemes. Here we see two principal divisions as the basis of the scheme, the legal system and subject matter.

The only part of the Schiller scheme thus far developed is that for foreign and comparative law. There are four basic divisions representing legal systems, with one thousand numbers which may be expanded decimally assigned to each division or legal system. Subject subdivisions under each system are adapted to the particular one thereby providing extremely pure subject concepts.

A recent communication from Columbia University indicates that Prof. Schiller at one time planned to develop Anglo-American law and worked out a very rough outline. World War II forced him to drop the project. There have been no further developments on it, and it is most doubtful that anything will be done with it in the near future.

At the University of Chicago Library beginning in 1943, the classification of law books began to receive particular attention, and plans were set in motion for the classification of all materials in the Law School Library ac-

12. HICKS, YALE LAW LIBRARY CLASSIFICATION; WITH DIRECTIONS FOR ITS USE, NOTES ON CATALOGUING PRACTICE, AND INDEXES BY KATHERINE WARREN vii (Preliminary ed., 1939).

13. SCHILLER, THE RECLASSIFICATION AND SUPPLEMENTAL CATALOGING OF BOOKS IN THE COLUMBIA LAW LIBRARY; A SURVEY (1938). 30p. Typewritten.

cording to a notation system which would fit into that of the L.C. Classification which is used for the books in the General Library. For better or for worse, I was assigned to the project which resulted in "Class K"[14] as published in 1948 by the Library of Congress and distributed widely to law librarians for criticism. For an outline of the scheme, see Section VI of the Outlines of Classification Schemes.

As I have stated elsewhere, "In the belief that form plays an important part in both the legalist's and non-legalist's search for law materials, form breakdown is a predomniant one. Two basic divisions are those of primary materials, collected together in class K, and secondary materials, in classes KA to KG. Form divisions are also used in each of these. For example, primary materials are arranged as statutes, court reports, and administrative decisions, while secondary materials are broken down as treatises, biography, bibliography, study and teaching, etc.

"Also, in the belief that the legalist and non-legalist for research purposes conceive law as national, a geographic arrangement appears throughout. Although the conception of law as Anglo-American and foreign, adopted in the K and KB-KG classes, is not a purely geographic one, it carries definite geographic implications. Under Anglo-American law the breakdown is by country; under foreign law, the breakdown is first by continent and then by country. Not all law, however, can rightly be considered territorial, and a satisfactory treatment of such is under *system*. Likewise, because of the many migrations, frequent changes in sovereignty, and the meagerness of state law in early times, ancient law as well as medieval law before the rise of national states is treated under system. Law which had its origin in the ancient and medieval world is dealt with, therefore, under the ancient and medieval periods of the history of law provided for in class KA, whereas the ancient and medieval periods of law which exists in the modern states are treated under the country in classes K, KB-KG.

"Although the scheme is not a theoretical subject classification, some subject breakdown is suggested. A number is designated in class K for an alphabetical arrangement by subject of statutes, of court reports, and of administrative decisions. Again, in the KA-KG classes, numbers are provided for 'Special topics,' under some of the form divisions, thus separating the specific from the general. Treatise sections are not broken down by subject,"[15] but an alternate subject classification is provided for them at the end of KB and in tables to be used under foreign jurisdictions.

The fourth classification to be considered here is an adaptation of the Benyon Classification by the Los Angeles County Law Library which makes two rather basic changes.[16] (See Section VII of the Outlines of Classification Schemes) One is that it collects primary materials before secondary materials under legal systems rather than providing for the primary materials

14. BENYON, CLASSIFICATION. CLASS K. LAW. (1948). 172p.

15. Benyon, *Class K (Law) at the University of Chicago*, 40 L. LIB. J. 10-11 (1947).

16. LOS ANGELES COUNTY LAW LIBRARY, ADAPTATION OF THE BENYON CLASS K LAW CLASSIFICATION FOR USE IN THE LOS ANGELES COUNTY LAW LIBRARY (corrected to Feb. 15, 1956). Processed.

of all jurisdictions together and placing in a separate group the secondary materials of all legal systems. The second is that while the Benyon Classification provides for all Anglo-American materials together, the Los Angeles scheme separates those dealing with English law from those devoted to American law. In addition, numbers have been interspersed for non-legal materials, for example under Dictionaries, thus bringing Webster's *Dictionary* in close proximity to Black's *Law Dictionary*. The Los Angeles County Law Library adopts Benyon's other basic breakdowns under both sources and secondary materials. It also adopts the alternate subject scheme for treatises presented in the Benyon Classification, rather than the alphabetical arrangement.

Even this quite cursory study of seven law classification schemes reveals the fact that much constructive thought and a tremendous amount of effort have been expended in their development. The best we can say, I believe, is that the results are varying. No *one* contains all the attributes which experience leads us to believe are desirable if a classification is to be logical and useful. In my opinion the Los Angeles County Law Library scheme comes nearer the goal than any other one. Its lack of inclusiveness, namely no provision for international law, or for a large segment of material which cannot easily be classed either under English law or American law because it deals with both as the common law system, together with the need for more adequate provision for non-legal materials, are its handicaps.

Not because we hope to achieve a perfect classification, for that is an impossibility, but in the belief that by combining into one scheme all the elements which have been proven by experience to be satisfactory in those already developed, we press on to devise one which at least unclassified libraries may use and reap the benefits of without encountering the pitfalls that others have. If by chance those libraries already classified may see some advantages to be gained by changing to it, that much more we shall have accomplished.

Part III

The last part of this discussion deals with the current efforts of the American Association of Law Libraries to achieve a satisfactory classification for law libraries. At its annual meeting in Chicago in 1955, it was voted to change the name of its Committee on Cataloging to Committee on Cataloging and Classification and that the Committee undertake the development of a classification. During 1955/56 the Committee surveyed the entire field. At its meeting in June 1956 the following points were agreed upon: (1) the classification is to serve large libraries as well as small ones, and bar, school and firm libraries alike; (2) the basic breakdown is to be by jurisdiction with provisions also for generalia; (3) treatises are to be arranged by subject; and, (4) the classification is to provide for foreign law, public international law, and for non-legal material which of necessity every law library must have.

No decision was reached concerning the form in which the classification is to appear. During the past year the

attention of the Committee has been centered primarily upon this problem. Not only have we delved into the traditional hierarchial principle of classification but also into the most recently projected multidimensional principle. When we discussed earlier in this paper what classification is, purposely no mention was made as to the structure of classification, because I wish to present this matter in connection with the work of the Committee. Bibliothecal classification leans heavily upon the principles of hierarchy, namely, that groups of the various fields of knowledge are assembled as dictated by an acceptable theory of knowledge and that by the same process various like groups are assembled as subclasses or subdivisions of the larger group. This process of grouping likenesses is carried on downward until further subdivision is either impossible or undesirable. In this way the entire meaning of a class is expressed by headings which are subordinate to the main one. All the classifications discussed here today are based primarily on this principle. The other principle of classification, termed multidimensional, makes use of more than one category in determining the subdivisions of main groups, thereby expressing more than one relationship. Thus, in the Dewey Decimal System, the form numbers for jurisdictions which may be applied under appropriate headings serve as an example of this principle. The introduction of the multidimensional principle, rather than that of hierarchy, as a basic one in the bibliothecal classification has been set forth in a general classification scheme, class 2 of which is for Law, called the Colon Classification by Ranganathan, the first edition of which was published in Madras in 1933.[17] The classification by means of tables makes use of what are termed "facets," with five of them, namely, personality, matter, energy, space and time as the basic divisions under a subject. Thereafter it provides for "devices," expressing for example, chronology, elements of geography, bias, etc. For this reason it is difficult to prepare an outline, and I did not include it in the reference materials. The principle of expressing the polydimensional aspects of books in a classification by means of basic tables representing various aspects of knowledge rather than by more or less minute divisions and subdivisions of a subject is in itself not too complicated. The unfamiliar terminology and the intricate notation system involving letters, numbers, punctuation marks, etc., of the Colon Classification have kept the scheme from enjoying wide adoption in the United States, although some interest has been exhibited in it in England. To my knowledge, no library in this country uses the scheme in its entirety, but I have been informed that one or two small special libraries have adopted parts of it to fit their local needs. The chapter entitled "Construction of a Classification Scheme" in Shera and Egan, *The Classified Catalog*, published as recently as 1956, gives a profound discussion of these principles together with other principles.[18] These specialists in classification regard the introduction of the multidimensional principle for bibli-

17. RANGANATHAN, THE COLON CLASSIFICATION (1933).

18. SHERA AND EGAN, THE CLASSIFIED CATALOG 41-42 (1956).

othecal classification "as the best solution devised so far" for minimizing the difficulties and complexities which arise because of the many aspects of the subject which one book may contain. However, the same specialists state that such classification "tends to be developed inductively" and that "the principles of inductive classification construction are still in their formative state." In my opinion, more standardization, with respect to call numbers, certainly a desirable situation, can be attained by the hierarchical system which is the best adapted to show the likeness of a given subject to the one above it or below it and thereby express a primary relationship of one book to another. Not that a given law book will carry exactly the same call number in all libraries, unless by chance some day law classification is centralized in one agency, but there will be some similarity between call numbers in various libraries. Outlines of classifications based upon both principles were prepared during the year for study by the Committee. Further discussion of them is to take place at our meeting next week. I hope at that time a decision can be reached with respect to the form in which the classification is to be cast. Then more detailed work can be begun.

Many decisions will have to be arrived at by the Committee with respect to the basic arrangements of the scheme. The type of arrangement I have in mind is as follows: Shall countries be arranged alphabetically or geographically by continent? Shall the relationship between subjects be expressed or shall subjects be arranged merely alphabetically? Shall an entirely new scheme be developed for international law or shall we attempt to incorporate such a scheme as that which has been prepared by Mr. Schwerin? Lastly, although there will be others, what shall be the basic arrangements and divisions under legal systems? When such decisions have been made by the Committee attention will of necessity have to be focused upon how the time-consuming details involved in carrying them to an early completion can best be carried out. It is questionable whether or not a committee, members of which are engaged in full-time jobs with little or no clerical assistance available to them, is in a position to complete such a mass of details with great rapidity. Therefore, if the scheme is to be completed in the near future, financial aid for the latter type of work will be necessary. Finally, a decision must be made as to how the classification is to be kept up to date.

Conclusion

Concluding this afternoon's discussion of the classification of law books, let me reiterate the following points. One, there is a need in law libraries for a not too detailed and a logical subject classification which employs a clear and concise notation system, in order that libraries may operate with optimum efficiency, thereby serving their clientele quickly and easily. Two, that subject analysis of books and the application of call numbers to them is costly but that such costs may be well justified by the greater degree of efficiency they will make possible in service operations. Three, that although many schemes have been developed, no one of them contains all the de-

sirable elements of an adequate classification for law libraries. Four and last, that the age-old problem of developing a classification of law books which will at least contain more desirable elements is now being attacked by two groups, the Library of Congress and the American Association of Law Libraries. The former will develop an excellent detailed one for books relating to law as a discipline set within a classification of other disciplines, while the latter, we believe, will develop one for law books sufficiently detailed for the law libraries and, in addition, will provide for the non-legal materials which the average law library of necessity must have and which they find it convenient to keep together on their shelves.

Appendixes
Outlines of Classification Schemes

I. DEWEY, MELVIL. DECIMAL CLASSIFICATION AND RELATIV INDEX. (14TH ED.) LAKE PLACID, ESSEX COUNTY, N. Y., FOREST PRESS, 1942.

SYNOPSIS

340	LAW General works
.1	Philosofy Theories Law of nature
.3	Antiquities: torture, trial by ordeal, duel, etc.
.4	Trial by jury
.5	Comparativ legislation
.6	Medical jurisprudence
.7	Education Law school Offis training
.8	Polygrafy Collections
.9	Legal anecdotes and miscellany
341-44	PUBLIC LAW
341	International law
342	Constitutional law and history
343	Criminal law
344	Martial law
345-47	PRIVATE LAW
345	U. S. Statutes and cases
346	British Statutes and cases
347	General works; treatises
348	CHURCH LAW
349	LAW OTHER THAN AMERICAN AND ENGLISH

II. CUTTER, C. A. EXPANSIVE CLASSIFICATION. PT. 2. SEVENTH SCHEME ED. BY W. P. CUTTER. BOSTON, C. A. CUTTER, 1893. p. 36-74 OF SOCIAL SCIENCE SECTION.

The following scheme was made by G. E. Wire, M.D., LL.B., for the Worcester County Law Library.

SYNOPSIS

CUTTER'S NOTATION

KA	English and American Law
KAA-KAZ	Generalia (includes various form divisions such as biography; periodicals, etc. and education; wit and humor; pleading; practice; courts, (with the suggestion special ones be placed with subject, *i.e.*, admiralty;) common law, subdivided alphabetically by topics)
KB	Architecture (building, engineering, sanitation)
KC	Bailments and carriers
KD	Commercial law
KDB	Banking
KDK	Contracts
KDM	Corporations
KDT	Exchanges
KDV	Insurance
KE	Constitutional law
KF	Criminal law
KG	Eccleisastical law
KH	Equity
KI	Family law
KJ	Farm law
KK	International law (public and private)
KL	Maritime law

KM	Medical jurisprudence	KS	Property law, Personal
KN	Military and naval law	KT	Roman law
KNM	Martial law	KU	Systems founded on Roman law
KO	Mining law	KV	Other law, law in general
KP	Municipal law	KW	Women
KQ	Patent law	KX	Children
KR	Property law, Real	KY-KZ	Societies

III. LIBRARY OF CONGRESS. INTERIM REPORT ON A CLASSIFICATION FOR LAW (June 10, 1949). (From Typewritten Copy)

The development of a classification schedule for Law (Class K) was the subject of discussion at a joint meeting of the Library of Congress Committee on Law Classification and the Committee on Co-operation with the Library of Congress of the American Association of Law Libraries, held at the Library of Congress on May 16-17, 1949. The basis of discussion was the Interim Report of the Library of Congress Committee on the content and structure of K.

In view of the fact that the proposed law classification schedule is to form a part of the general classification system of the Library of Congress and is intended to serve the needs of special law libraries as well, consensus was reached on the following principles which are hereby submitted to the members of the A.A.L.L. for their information:

1. The projected schedule K shall include
   (a) Legal source materials;
   (b) Books dealing with subjects in terms of legal principles involved;
   (c) Materials which should be grouped with law materials because of their relevance to the practice of the legal profession and by generally accepted canons of classification.
2. The following materials are not to be included in Class K:
   (a) Books dealing with technical or managerial problems involved in operating under statutes or administrative rules or regulations; these are to be classified with the activity concerned;
   (b) Non-legal materials, although they may be of interest to a law library, except for the materials listed under 1 (c).
3. The structure and principles of arrangement suggested by the Library Committee, except for some modifications in Anglo-American Law, were found to be generally acceptable.

In order to apply the foregoing principles, a large number of legal topics which at present are dispersed through various classes of the Library of Congress Classification, will have to be incorporated in Class K. Inasmuch as public international law forms a homogeneous unit in class JX, it is intended to develop and apply the section of JX devoted to public international law as a part of the law classification, its present notation being retained. For libraries which may wish to use a K notation for international law, a place in the notation (tentatively KX) will be provided for the purpose. Private international law (Conflict of laws) will be developed in Class K.

Tentative Outline of Class K

(The notation is supplied only as an aid in referring to individual sections of the outline. The final notation will be assigned during the development of the definitive schedules)

K	General Works. Societies. Collections. Encyclopedias. Bibliography. Legal Education. The Profession of Law.	KB	I. History of Law in General. Comparative Jurisprudence. II. Ethnological Jurisprudence (Primitive Law) III. Ancient Law (Exclusive of Roman Law)
KA	Philosophy of Law. Jurisprudence.		

General
Egyptian
Greek
Hellenistic
IV. Oriental Legal Systems
1. Semitic Law
Babylonian and Assyrian
Jewish
Syrian
Mohammedan
2. Hindu (cf. KS, India)
3. Burmese Buddhist

KC Roman Law (Ancient)

KD Roman Law (Medieval)
Germanic Laws

KE Canon Law

KF Comparative Modern Law

KG Anglo-American Law (General and Comparative)

KH United States: Federal Law and State Laws Collectively. KHA-KHZ: States, A-M, including Alaska and Hawaii

(KI) KIA-KIZ: States, M-W, including Puerto Rico and Virgin Islands

KJ Great Britain
KJA England
KJB Wales
KJC Scotland
KJD Ireland including Northern Ireland
KJE Eire
KJF Channel Islands. Isle of Man

KK British America
Canada
Provinces
British Possessions on the American Continent
Union of South Africa

KL Latin America: General and Regional (Central America. South America)
KLA-KLZ, Individual countries, A-Z

European Countries (Comparative European law, *see* KF)

KM France

KN Germany
KNA-KNZ, States

KO Italy

KP Russia

KQ Other European Countries, A-Z

The possibility of dividing Europe by regional groups of countries will be considered in the process of developing the classification.

KR Asia, General and Countries, A-Z, except India and Russia

KS India

KT Africa, General and Countries, A-Z

KU Pacific Islands

(KX) International Law, *see* JX

IV. HICKS, FREDERICK C. YALE LAW LIBRARY CLASSIFICATION WITH DIRECTIONS FOR ITS USE, NOTES ON CATALOGING PRACTICE AND INDEXES, BY KATHERINE WARREN (PRELIMINARY EDITION) NEW HAVEN, YALE UNIVERSITY PRESS, 1939. (YALE LAW LIBRARY PUBLICATIONS NO. 8, SEPT. 1939)

SYNOPSIS

NOTATION SYSTEM NUMBER I LETTER AND WORD SYMBOLS

AB Association books
AG Attorneys-General reports and opinions (Anglo-American)
AL Ancient, primitive and medieval law
AP Appeal papers (United States and British Isles)
BA Bar association reports (Anglo-American)
BD Business documents
Bibl Bibliography
Biog Biography
Blackstone Blackstone collection
Braille Books for the blind
BrCol British colonies
CC City charters and ordinances (Anglo-American)
CH Congressional hearings (United States)
CL Canon and ecclesiastical law
ConC Constitutional conventions in the United States
D Dictionaries

Dig	Digest of court reports (Anglo-American)
Dir	Directories (Anglo-American)
E	Encyclopedias
Ethics	Ethics
FLG	Treatises (Foreign law-General)
FLGZ	Pamphlets (Foreign law)
FLP	Periodicals (Foreign law)
Forms	Form books (Anglo-American)
Founders' Collection	Founders' collection
H	History (Non-legal)
Hohfeld	Hohfeld collection
JC	Judicial council reports (United States)
JL	Jewish law
JX	International law, public and private
LA	Latin America
Law Faculty Publications	Law Faculty publications
LE	Legal education
Libs	Libraries
LJ	Legislative journals (United States and British Isles)
LLS	Loose leaf services (United States)
LM	Legal Miscellany
Maps	Maps and charts
MedJ	Medical jurisprudence
MohamL	Mohammedan law
Mss	Manuscripts
P	Periodicals (Anglo-American)
Pam	Pamphlets (Anglo-American)
Phil	Philosophy
PU	Public utility commission reports (Anglo-American)
R	Reports in the United States
RB	Reports in the British Isles
RL	Roman law
S	Statutes in the United States
SB	Statutes in the British Isles
SS	Social sciences
SSB	Economics
SSM	Sociology
SSR	Political science
T	Treatises (Anglo-American)
Trials	Trials
WC	Workmen's compensation commission reports (Anglo-American)
Y	Yalensia
Z	Miscellaneous non-legal material.

NOTATION SYSTEM NUMBER II

Decimal symbols for use primarily under foreign countries, *e.g.*, .07 Bar association reports (foreign), .14 Session laws, .22 Codes, .221 Civil codes, .28 Constitution, .36 Court reports and current digests (foreign and British Colonies and Dominions), .46 Treatises (foreign by states), etc.

NOTATION SYSTEM NUMBER III

COUNTY SYMBOLS

Aargau	Switz/A
Abyssinia	Abyssinia
Alberta	Canada/A
Bolivia	LA/Bolivia
Germany	Germany
Gibraltar	BrCol/Gibraltar
Saxony	Germany/Sax

V. SCHILLER, A. ARTHUR. THE RECLASSIFICATION AND SUPPLEMENTAL CATALOGING OF BOOKS IN THE COLUMBIA LAW LIBRARY; A SURVEY. NEW YORK, COLUMBIA UNIVERSITY LAW LIBRARY, 1938. (MIMEOGRAPHED)

SYNOPSIS

[General Outline]

	Symbol		*Symbol*
General	G	Indonesia	PR6
History of law	GH	Australia	PR7
Jurisprudence	GJ	Polynesia	PR8
Comparative law	Comp.	Arctic Regions	PR9
Anglo-American law		Ancient law	A
		Chinese law	A.Ch
		Cuneiform law	A.Cun
Foreign law			
Primitive law (general)	PR	Ecclesiastical law	
Asia	PR2	(Christian) law	Eccl
Africa	RP3	Egyptian law	A. Eg
North America	PR4	Greek law	A. Gr
South America	PR5	Hellenistic law	A. Hel

Hindu law	Hin
Jewish law	Jew
Mohammedan law	Moh
Roman law	Rom
Sassanian law	A. Sas
Medieval law	
Modern law	
Afghanistan law	Afg
Albanian law	Alb
Andorran law	And
Arabian law	Ar
Austrian law	Aus
.....	
Spanish law	Sp
Spanish American law	Sp.A
Argentinian law	Sp.Ar
Bolivian law	Sp.Bol
.....	
Swedish law	Swe
Swiss law	Swi
Turkish law	Tur
Vatican City law	Vat
International law	

Within each legal system major divisions decimally divided under the following groups of numbers:

000-099	General; methodology of law
100-199	Sources; legal history
200-299	Jurisprudence; non-legal
300-399	Private law; law of persons
400-499	Law of property; succession
500-599	Law of obligations
600-699	Commercial law
700-799	Civil procedure
800-899	Criminal law and procedure
900-999	Public law

VI. BENYON, E. V. CLASSIFICATION. CLASS K (LAW) PRINTED AS MANUSCRIPT. WASHINGTON, THE LIBRARY OF CONGRESS, 1948.

SYNOPSIS

K STATUTES. COURT REPORTS. ADMINISTRATIVE DECISIONS, ETC. ANNOTATIONS. CITATION BOOKS. DIGESTS. INDEXES.

1-10	Anglo-American and Foreign.
21-30	Anglo-American.
33-1525	United States.
2001-3498	Great Britain and Colonies, dominions, etc.
3500-3510	Foreign.
3511-3598	North America.
3600-3696	Central America.
3700-3798	West Indies.
4001-4999	South America.
5001-6361	Europe.
6401-6890	Europe-Asia. Russia and Turkey.
7000-7661	Asia.
8000-8761	Africa.
9000-9311	Australia and Oceania.

JURISPRUDENCE. LEGAL HISTORY. LEGAL INSTITUTIONS, ETC. COLLECTED WORKS. TREATISES, ETC.

KA General. Comparative.

1-11	Periodicals.
15	Yearbooks. Annuals
17	Bar associations and law societies.
19	Congresses and conferences.
20	Collected works.
21	Addresses, essays, lectures.
22	Encyclopedias.
23-24.8	Dictionaries.
25-27	Directories.
28-29	Biography.
30-35	Law as a science. Jurisprudence.
38-640	History of law.
70-79	Primitive law.
80-355	Ancient law.
260-312	Roman law.
360-548	Medieval law.
550-640	Modern law.
645	Legal anecdote and miscellany.
650-656	Trials.
660-664	Study and teaching.
665-668	The profession of law. Law as a vocation.
670-673	Law publishing. Law libraries and librarianship.
675-677	Bibliography.
680-685	Theses.

KB Anglo-American.

1	Periodicals.
3	Yearbooks. Annuals.
4-7	Bar associations and law societies.
8	Congresses and conferences.
9	Collected works.
10	Addresses, essays, lectures.
11	Encyclopedias.
12	Dictionaries.
13	Directories.
15	Biography.
18	Law as a science. Jurisprudence.
	Alternate:
20-6831	General and special By subject: works, by author. 20-215.

6841-6866 Casebooks.
6867-6869 Forms. 218-220.
6872 Legal anecdote and miscellany. 222.
6875-6877 Trials. 225-227.
6880-6883 Study and teaching. 230-233.
6901-6920 The profession of law. 251-270.
6925 Law publishing. Law libraries, etc. 275.
6930 Bibliography. 280.
6935 Theses. 285.

KC 1-20 America.
81-845 North America. By country.
851-1275 Central America. By country.
1301-2785 West Indies. By country.
3011-4335 South America. By country.

KD 1-20 Europe.
21-4200 By country.
4301-5015 Europe-Asia. Russia.
5041-5090 Turkey.

KE 1-20 Asia.
21-6890 By country.

KF 1-20 Africa.
21-3900 By country.

KG 1-215 Australia.
241-260 New Zealand.
300 Oceania, A-Z.

VII. LOS ANGELES COUNTY LAW LIBRARY. ADAPTATION OF THE BENYON CLASS K LAW CLASSIFICATION FOR USE IN THE LOS ANGELES COUNTY LAW LIBRARY. LOS ANGELES, 1956.

SYNOPSIS

JURISPRUDENCE. LEGAL HISTORY. LEGAL INSTITUTIONS, ETC. COLLECTED WORKS. TREATISES, ETC.

K General Comparative.
1 Collected laws.
2 Indexes.
3 Periodical and newspapers.
5 Yearbooks. Annuals.
7 Bar associations and law societies.
9 Congresses and conferences.
10 Collections.
11 Addresses, essays, lectures.
12 Encyclopedias.
13 Dictionaries.
14 General reference works.
15-17 Directories.
18-19 Biography.
20-21 Bibliography.
22 Library catalogs.
23 Publishers' and Booksellers' catalogs.
24-28 Law as a science. Jurisprudence.
30-625 History of law.
60-69 Primitive law.
70-340 Ancient law.
250-300 Roman law.
350-535 Medieval law.
540-625 Modern law.
635 Legal anecdote and miscellany.
640-647 Trials.
650 Study and teaching.
655-658 The profession of law. Law as a vocation.
660 Law publishing.
662-663 Law libraries and librarianship.

U.S. DOCUMENTS. STATUTES. COURT REPORTS. ADMINISTRATIVE DECISIONS, ETC. ANNOTATIONS. CITATION BOOKS. DIGESTS. INDEXES.

KA
1-2 Native tribes.
11-12 Colonial period.
21-47 Period of 1775-1789.
51-140 U.S. after 1789.
141-1180 States of the U.S.

U.S. JURISPRUDENCE. LEGAL HISTORY. LEGAL INSTITUTIONS, ETC. COLLECTED WORKS. TREATISES, ETC.

KB United States.
1 Periodicals.
3 Yearbooks. Annuals.
4-5 Bar associations and law societies.
8 Congresses and conferences.
9 Collected works.
10 Addresses, essays, lectures.
11 Encyclopedias.
15 Bibliography.
19 Law as a science. Jurisprudence.

By subject.
20 General.

21-99 Public law.
100-215 Private law.
218 Forms.
230-231 Study and teaching.
251-270 The profession of law. Law as a vocation.

KC 1-20 America.
81-845 North America. By country.
851-1275 Central America. By country.
1301-2785 West Indies. By country.
3011-4335 South America. By country.

KD England and Wales.
1-10 Primary materials.
11 Periodicals.
12 Yearbooks. Annuals.
13 Bar Associations and law societies.
14 Congresses and conferences.
15 Collected works.
16 Addresses, essays, lectures.
17 Encyclopedias.
18 Bibliography.
19 Law as a science. Jurisprudence.
By subject.
20 General.
21-99 Public law.
100-215 Private law.
218 Forms
230-231 Study and teaching.
251-270 The profession of law. Law as a vocation.

KE 1-20 Europe.
21-4225 By country.
4301-5015 Europe-Asia. Russia.
5041-5090 Turkey.

KF 1-20 Asia.
21-6895 By country.

KG 1-20 Africa.
21-3925 By country.

KH 1-215 Australia.
241-260 New Zealand.
300 Oceania, A-Z

Law Classification Bibliography

Compiled by RAY R. SUPUT,
University of Chicago Law Library

Foreword

The scope of this bibliography is to show the extent of literature in law classification. It will also serve as a quick bibliographical reference tool to those interested in reading on this subject. It will be noticed that the literature is meager; that no particular point of view prevails; that no particular classification scheme for law has won a wide acclaim.

Part One is intended to give, what this compiler considers, the most important general works in the field of classification. Part Two contains practically all up-to-date writings in English on the subject of law classification. There are a few foreign entries. Part Three has been added to indicate that the jurists are just as much interested in law classification as the librarians, but for different reasons, of course. No effort, however, has been made to include everything written on this subject by the jurists. There is a sufficient number of entries to show the variety of methods used in classification of law as distinguished from the classification of law books. It is needless to say that their classification of law should not be overlooked when the librarians contemplate constructing a classification scheme for law books. Part Four contains the schemes of law classification for legal materials. None of the schemes has been widely used; some of them, used locally, have proved to be of great value.

No attempt has been made to include the portions of the universal classification schemes which deal with law. Their complete listing will be found in Sayers' *Introduction to Library Classification*, 9th ed., pp. 307-8. The users of this bibliography will find complete listings of writings on classification in the volumes of *Library Literature*.

Part One

General Approach to Classification

Bliss, Henry Evelyn. The organization of knowledge and the system of science. New York, Holt, 1929. 433 p.

Bliss, Henry Evelyn. The organization of knowledge in libraries and the subject-approach to books. New York, Wilson, 1933. 335 p.

Broadfield, A. The philosophy of classification. London, Grafton, 1946. 102 p.

Flint, Robert. Philosophy as scientia scientiarium and a history of classification of the sciences. Edinburgh, Blackwood, 1904. 340 p.

Kelley, Grace Osgood. The classification of books. New York, Wilson, 1937. 200 p.

Mann, Margaret. Introduction to cataloging and classification of books. 2d ed. Chicago, American Library Association, 1943. 276 p.

Merrill, William Stetson. Code for classifiers. Chicago, American Library Association, 1939. 177 p.

Palmer, Bernard Ira. The fundamentals of library classification. London, Allen and Unwin, 1951. 114 p.

Phillips, W. Howard. Primer of book classification. [3d ed.] London, Association of Assistant Librarians, 1955. 235 p.

Ranganathan, Shiyali Ramamrita, rao shib. Philosophy of library classification. Copenhagen, Munksgaard, 1951. 133 p.

Ranganathan, Shiyali Ramamrita, rao shib. Prolegomena to library classification. Madras, Madras Library Association, 1937. 305 p.

Richardson, Ernest Cushing. Classification: theoretical and practical. 3d ed. New York, Wilson, 1930. 228 p.

Sayers, William Charles Berwick. An introduction to library classification, theoretical, historical and practical, with readings, exercises and examination papers. 9th ed. London, Grafton, 1954. 320 p.

Sayers, William Charles Berwick. A manual of classification for librarians and bibliographers. 2d ed. rev. London, Grafton, 1944. 344 p.

Shera, Jesse Hauk, et al. Classified catalog: basic principles and practices. Chicago, American Library Association, 1956. 130 p.

Part Two

Classification of Law by Librarians

Alexander, W. H. Shelf classification of foreign law books . . . Law Lib. J., 13:6-9, April, 1920.

Borchard, E. M. Considerations in cataloging and classification of Roman and civil law books. Law Lib. J., 17:26-31, 1923.

Basset, Elsie. A cataloging manual for law libraries. New York, Wilson, 1942, 365 p.

Basset, Elsie. Classification of foreign law books. Library J., 45:751-2, Sept. 15, 1920.

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Questions and Answers

Compiled by MARIAN G. GALLAGHER, *Librarian*
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University of North Carolina Law Library

The compilers will attempt to find answers to questions regardless of their suitability for publication, and questions which seem to need immediate replies will be answered by mail prior to publication in the *Law Library Journal.* Address questions to Mrs. Marian G. Gallagher, Law Librarian, University of Washington Law Library, Seattle 5, Washington, or Miss Mary W. Oliver, Law Librarian, University of North Carolina Law Library, Chapel Hill, North Carolina.

1

Question:

Where can we obtain a copy of the Cutter-Sanborn Author Table?

Answer:

This table is distributed by the H. R. Huntting company of Springfield, Massachusetts. (Contributed by Jeanne Tillman, Law Librarian, Wake Forest College)

2

Question:

If we have the *National Reporter System* and *Federal Cases,* is there any merit in obtaining *Alaska Federal Reports* (vols. 1-5) and *Alaska Reports* (vols. 1-15)?

Answer:

Alaska Federal Reports, in 5 volumes, is a 1938 reprint of cases previously published in *Federal Cases, Federal Reporter,* and the *U. S. Supreme Court Reports.* The title page description of coverage is "cases argued and determined in the U. S. Circuit and District Courts of California and Oregon, District Courts of Washington (a distinction carried forward from the period prior to Washington statehood), District Courts of Alaska, Circuit Courts of Appeals, as well as decisions of the Supreme Court of the United States in cases arising in Alaska," 1869-1937. (There are no reprints from the *Federal Supplement* because California, Oregon, and Washington District Courts were without jurisdiction in Alaska cases after 1884, and the *Federal Supplement* did not pick up Alaska District Court cases until volume 66, published in 1946).

The purchase of *Alaska Federal Reports* would provide you with a convenience, but not with additional case coverage.

Alaska Reports is best explained by reference to the preface of volume 1:

"Prior to the Act of Congress entitled 'An act providing a civil government for Alaska,' approved May 17, 1884 (23 Stat. 24, c. 53) the District Courts of the United States in California and Oregon and the District Courts of Washington had jurisdiction in such cases as arose under the laws extended to the unorganized district of Alaska. 15 Stat. 241; Rev. St. §1957. Such decisions as were rendered in these courts during that period were published in Sawyer's and Deady's Reports, were republished in the *Federal Cases*. . . . By the act of 1884 a district court was provided for Alaska. Many of the decisions of that court after 1884 and prior to the passage of the act of June 6, 1900, entitled 'An act making further provisions for a civil government for Alaska, and for other purposes' were published in the *Federal Reporter*, while others remained in manuscript in the clerk's office at Sitka. Those not found in the *Federal Reporter* are published in this volume, while the former are included in the index-digest. All decisions of the district judges of Alaska, rendered since June 6, 1900, and prior to January 1, 1903, are included in this volume . . ." (and are not duplicated, apparently, in the *Federal Reporter*).

The fact that the index-digest's coverage is wider than that of the reported cases in volume 1 (1867-1902 as against 1884-1902) explains the discrepancy between the binder's title dates and the actual reported-cases coverage dates. Volumes 2 through 8 of the *Alaska Reports* contain cases decided in the District Courts of Alaska 1903-1935; these cases do not appear to have been republished in, or reprinted from, the *Federal Reporter* or the *Federal Supplement*. These volumes, like volume 1, carry index-digests to decisions in Alaska cases appealed to the Circuit Courts, the Circuit Court of Appeals, and the U. S. Supreme Court.

Beginning with volume 9, which covers cases decided 1935-1940, the *Alaska Reports* volumes carry forward the coverage of *Alaska Federal Reports; i.e.,* they contain not only opinions of the District Courts of Alaska, but also opinions in cases originating in Alaska appealed to the Circuit Court of Appeals, the Court of Appeals, and the U. S. Supreme Court. Beginning with volume 9, only some of the Alaska District Court opinions are not reported elsewhere, and the incidence of opinions exclusive to *Alaska Reports* diminishes as the set progresses. In volume 9, 47 out of a total of 155 reported cases apparently do not appear in the *Federal Reporter* or the *U. S. Supreme Court Reports;* in volume 15, the latest published, 12 out of 275 apparently do not appear in the *Federal Supplement, Federal Rules Decisions, Federal Reporter,* or *U. S. Supreme Court Reports.*

It is our conclusion that if you are interested in complete coverage of Alaska reported decisions, the *Alaska Reports* are a necessity; if you are content to confine your collection to appellate decisions, your coverage is already complete. (MGG)

3

Question:

Is there a simple classification system for U. S. Government documents? The classification system of numbers

and symbols used by the Government Printing Office is far from simple, but I know that documents departments of many libraries use it. Our own University Library does. However, the number of documents that we have in the Law Library is limited, dealing chiefly with hearings and reports, and special publications dealing with legal subjects. But we now have a substantial start on a Documents Section of our own, but I have postponed a definite classification until I can be certain that the system adopted will be a satisfactory one. Our library is classified on the Basset scheme, with a number of variations and modifications. Our treatises are given a "T" symbol and a Cutter number and are therefore shelved by author rather than by subject. I am wondering whether it would be practical to adopt the same idea for government documents, giving them a "G" symbol with a Cutter number for the department or agency issuing them. Included with the "G" number could be a symbol for the government involved—federal, state or municipal.

Answer:

The virtue of the simple classification system is apparent only to him who constructs it and to him who has to make the classification decision fitting the individual item into the proper division. It earns no plaudits from the browser or the shelver, and, as the collection grows, it actually may cause dissatisfaction. Unless your sense of orderliness would be offended by the adoption for one part of your collection of a scheme which has no relation to and is more detailed than that in use in the balance of the collection, you ought to give some consideration to the advantages of a plan which provides manageable subdivision and offers the pleasing prospect of materials arriving already classified.

We assume that if you collect federal documents as we do, you have certain series of administrative decisions which present no greater problem than other series of decisions, and that most of the trouble is caused by the occasional monograph, scattered special series like those issued by presidential study commissions, and congressional hearings and reports, with the last category being the greatest offender. Since you select the subject, you have many hearings and reports from certain committees and hardly any, or none, from others. If you were to assign the "G" symbol with only a Cutter number for the issuing agency, you would have a great many with the same number and the more you collected the harder it would become to locate a particular title on the shelf. Binding together all of the publications of a particular committee and adding the Congress and session to the label, or separating hearings by year and reports by Congress and report number helps solve the lost-on-the-shelf problem but fails to solve some of the others.

In many law libraries, the biggest deterrent to the acquisition of congressional documents is the cost of cataloging. Even the selection of only those dealing with taxation, bankruptcy, trade regulation and judicial administration would impose a sizeable burden on the catalog department. Sometimes you may want to add

materials to your collection to satisfy a demand stimulated by research in progress, or experimental curriculum revision or extensive publicity. Then, because it is almost as much work to uncatalog something as it is to catalog it, the volumes remain on your shelves long after they have outlived their value to your patrons. There is an appurtenance to the G. P. O. classification which remedies this—the *Monthly Catalog*. It can be used much as the Macdonald checklists are used as substitutes for the full cataloging of state statutes and session laws.

At the beginning of 1955 we stopped sending hearings and reports to our catalog librarian, an action which aroused in him no feeling of deprivation. We considered placing cards in the catalog, at the beginning of the author section for each congressional committee, reading: "For congressional hearings and reports, 1955 to date, see *Monthly Catalog of United States Government Publications* at reference desk." But this would not have helped the patron who approached his problem by subject, and we felt that it would be impractical to attempt to place cross-references in each subject division containing cards for already cataloged materials on the assumption that we would receive more on the same subject, or to keep the cross-references current as new subjects came under congressional scrutiny. So we compromised in favor of a sign standing on the catalog cabinet: "The Law Library's collection of congressional hearings and reports only through 1954 are listed in this catalog. For later hearings and reports except for those on microcard see the *Monthly Catalog of U. S. Government Publications* at the reference desk."

Besides changing our patrons' method of search and our catalog librarian's disposition, switching to the G. P. O. classification scheme has changed our acquisition procedure. The steps we now take are these:

When we order hearings, reports or documents from listings in the current *Monthly Catalog*, we note on the cardineer serial card, in addition to the usual record of the order, the *Monthly Catalog* citation: month, year and item number (*i.e.*, 9/57 #12750). At the beginning of the experiment, we had entered the hearings' classification numbers, thinking that we could then transfer them to the titles at the time we checked them in; this overlooked the fact that we then should have to search for the listing in the checklist copy at the reference desk in order to enter the "here" check.

Now, newly arrived hearings are marked, at the checking-in point, only with the 9/57 #12750 symbol. Reports and documents are marked, in addition, with the classification number recommended in the last section of the G. P. O's revised *List of Classes in the 1950 Revision of Classified List* (the List's example: 82-1:H. doc.23; 82-1: S.rp.15).

Next, the fact that the library has the specific item, and its location, is indicated in the checklist copy of the *Monthly Catalog* by underlining in red the specific classification number. For hearings, this specific number appears in print beside the specific listing; for reports and documents, it is added in ink in a relative position. The classification numbers are then

marked on the covers of hearings (reports and documents have been marked previously) and, after perfunctory processing, the pamphlets are ready to shelve.

Materials arriving ahead of the *Monthly Catalog* issue which lists them actually form the bulk of our acquisition, as they would in any library making requests while hearings are in progress or having places on committee mailing lists. These materials must be set aside in the acquisition department until their listing appears, and each issue of the *Catalog*, as it arrives, must be checked against the backlog. Even so, the waiting period is short compared to that which was normal in the days of full cataloging. If we have a request for a particular item in the interval, the serial record of receipt and the segregation of waiting materials by committee makes its location a simple matter.

One of the most obvious advantages of this system is the ease with which we can withdraw materials at weeding time. We need only to erase the red underlining in the checklist copy of the *Monthly Catalog* and toss out the weeded books or pamphlets.

There is another advantage to this ready-made system, if, as you say, your University Library uses it. Someone who is doing work in a particular area will become accustomed to the classification, or someone who checks your *Monthly Catalog* will find the classification number for a specific item in which he is interested but which you lack; both can transfer the search to the more complete collection with minimum effort.

We do recognize the probability that the non-cumulative character of the *Monthly Catalog* indexes since 1951 makes the subject approach therein a cumbersome substitute for the same approach in a carefully constructed card catalog. We are comforted by the thought that most of our congressional document users are looking not for "something on the subject of . . ." but for the history of specific legislation, and that they therefore are equipped in advance with some knowledge of the probable time of publication. There will be exceptions, but not with sufficient frequency to offset the benefit of increased tranquility in an understaffed catalog office.

We have not applied this classification to all of our federal publications because most of the other materials are in series cataloged as open entries and it is less trouble to add new volumes under our modified-Dewey classification than to transfer the back volumes to the new scheme. There is something more distasteful about placing volumes 53 to date under a new system while leaving volumes 1-52 under the old, than there is about splitting off later volumes in selected congressional areas. Now that we see the system work, we do plan to apply it to separates and to new short series, although the matter of cross-references versus signs for the catalog cabinet has not yet been resolved.

If your collection is new, you could use the system for all of your federal publications, with a resulting more orderly achievement than ours.

We avoid expressing an opinion on the question whether the G. P. O.'s classification results in the best possible

shelf arrangement. Certainly it was not designed for law libraries and there are many parts of it you will never use. But does it matter whether you have gaps, whether you have many publications in the "J"s and "Ju"s, a few in the "FT"s, the "I 20.9/2"s and the "IC 1.6"s and nothing at all between the "A 1.58/a"s and the "C 21.6"s? You still would have eliminated the classification decision and the cataloging expense and you would be keeping related items together while providing positive identification and shelving directions for each one. (MGG)

In Memory of Sumner York Wheeler

Sumner York Wheeler was born in the famous Massachusetts seaport town of Gloucester, October 13, 1884. He died in Rockport, a few miles away, May 1, 1957. An English novelist makes one of his characters say in effect, "You are born; you live; you die. What is remarkable about that?" For Sumner Wheeler it was remarkable because of seventy-two years crowded with a long professional career, with many civic duties undertaken and performed, with travel to many far places, the whole illumined with a spirit of joy in the service of his fellows.

We law librarians knew him best as the head of Essex County Law Library for forty-two years, as a faithful attendant at earlier conventions, and as an officer of the American Association of Law Libraries, culminating with two terms as President, 1924-26. But he was active in many other ways—Secretary for many years and President of the Essex County Bar Association, town counsel of Rockport, Massachusetts, past master of Ashler Lodge A.F. & A.M., President of the Granite Savings Bank of Rockport. He also sat as master and auditor in cases assigned by the Massachusetts Superior Court.

Mr. Wheeler was admitted to the Massachusetts Bar February 23, 1906. The next year he became assistant librarian of the Essex County Law Library and in 1911 was appointed librarian. He immediately joined the American Association of Law Libraries and became assiduous in attending the annual meetings, sometimes accompanied by his charming wife, the former Helen Hamilton, who survives him. After serving as Vice-President and Treasurer, he became President in 1924. The appointment of a nominating committee had been omitted that year and Sumner was nominated from the floor in a spontaneous gesture of approval from his brother and sister librarians. In his later years, he was somewhat withdrawn and was not generally known to our newer and younger members. Probably his last convention was the Boston meeting of 1951 where he enjoyed himself thoroughly renewing friendships with his former colleagues. Two years later he retired from library work.

The Essex County Law Library, housed in the Salem Court House, was, under Sumner Wheeler, a model of compactness in which the patrons were encouraged to help themselves. An unusual feature was the geographical arrangement of state reports. For much of the time, Mr. Wheeler had no assistant except a summer subsitute, and he did not hestitate to leave the room unsupervised while he roamed the building in search of more rewarding duties as "a friend of man." He once wrote in the *Law Library Journal*, "Working with the courts and attorneys is the pleasantest part of my

duties. I am never so agreeably occupied as when working with some judge or attorney upon a puzzling legal proposition or assisting a lawyer as best I may in the preparation of his brief, and it is always my regret that the detail work of my library allows me so little time to be of service along these lines."

Twenty miles from the county seat, and close by his Gloucester birth place, Mr. and Mrs. Wheeler lived for many years in a spacious and comfortable dwelling in Rockport, a town noted for its summer art colony. In welcoming the Association to the region he once said, "We are favored here by an invigorating climate, seldom monotonous, and most conducive to our physical well being." He was, nevertheless, an ardent traveler, and at our 1936 annual meeting, he gave us a vivid account of his adventures while trapped in Madrid by the Spanish Civil War. Even thus far from home he served as adviser to an American woman needing legal help.

In our conventional manner of arranging names and lists according to the alphabet, that of Sumner York Wheeler often trails far down toward the end, but I am sure that, like Abou Ben Adhem, who led all the rest, he has been written down as one who loved his fellowmen.

HOWARD L. STEBBINS

CURRENT COMMENTS

Compiled by Lois Peterson, *Assistant Librarian*
Social Law Library
Boston

Third Census of Incunabula in American Libraries. The Bibliographical Society of America is preparing a revision of Margaret Bingham Stillwell's *Incunabula in American Libraries: A Second Census of Fifteenth-Century Books Owned in the United States, Mexico, and Canada,* published by the Society in 1940. Frederick R. Goff, Chief of the Rare Book Division of the Library of Congress, has agreed to serve as editor of this revision of Stillwell and to see it through the press. A deadline of January 1, 1959 has been set for recording corrections, changes in possession and additions to the earlier work, thereby permitting present owners better than a year in which to prepare their reports.

The degree of completeness of the present survey will depend upon the amount of support and assistance librarians, private collectors and dealers are able and willing to contribute to the effort. All libraries are urged to seek information concerning the survey and to participate in it "with enthusiasm." This is particularly true of those libraries who made no report to the Second Census. It means that the Society hopes everyone who contributed in 1940, as well as new and unreported collectors, will wish to play a part in the new, enlarged Census, which, according to present plans, will be ready for publication in 1960.

All reports and communication relating to the new compilation should be addressed to Mr. Frederick R. Goff, Rare Book Division, Library of Congress, Washington 25, D. C.

Depository Library Bill. H.R. 9186, introduced August 8, 1957, by Representative Wayne L. Hays of Ohio, would, if passed, revise the laws relating to depository libraries (44 U.S.C., §§82-86; 92). The Committee on House Administration held public hearings on the bill during October in Chicago, San Francisco, New Orleans and Boston. Formal committee action will be considered next year when the second session of the 85th Congress convenes.

The measure would allow Senators, Representatives and Delegates from the Territories or Resident Commissioners of the Commonwealths to designate depository libraries in their areas, but would limit additional depositories to two institutions which could furnish justification of the necessity for additional federal collections and prove adequate facilities for handling material received.

Publications supplied by the Superintendent of Documents for distribution to selected libraries would include the Journals of the Senate and House of Representatives; all publications, not confidential in character, printed upon the requisition of any congres-

sional committee; all Senate and House public bills and resolutions; and all reports on private bills, concurrent or simple resolutions.

"Government publications which are furnished to depository libraries shall be made available for the free use of the general public, and shall be retained by depository libraries for a minimum period of ten years if the depository library is served by a regional depository library. When the depository libraries are not served by a regional depository library, or if they are regional depository libraries themselves, the Government publications shall be retained for a minimum period of twenty years, after which they may be discarded, except that superseded publications or those of a noncurrent nature may be discarded sooner as may be authorized by the Superintendent of Documents.

"The regional depository libraries so designated shall be authorized to receive Government publications from depository libraries within the areas of the State, Territory, or Commonwealth served by them after such publications have been retained for a period of at least ten years, and may then discard or authorize the depository libraries to discard such unwanted publications if two or more copies of same, either in printed, microprinted, or microfilm form, shall be retained in the regional depository library."

Massachusetts General Court Special Reports Indexed. The Massachusetts State Library and Legislative Reference Bureau have completed a 64 page subject *Index of Special Reports Authorized by the General Court, 1909-1957.* Within the specified dates, the index "covers more than 600 special reports or probably almost all of such documents prepared by recess or interim committees and commissions, and another 500 special reports which constitute a very substantial though somewhat incomplete coverage of the documents which the General Court requested state departments and local agencies to prepare." Most entries are Senate or House documents. The few exceptions relate to reports without legislative document status and are identified by titles and the years of publication."

Law libraries may obtain copies of the *Index* from the Massachusetts State Library, Boston 33, Massachusetts.

Proposed Foreign Legal Periodical Index. An international index to foreign legal periodical literature was discussed at a meeting of the International Association of Legal Science held at the University of Chicago in September. A proposal for such a publication was made at that time by William B. Stern, Foreign Law Librarian of the Los Angeles County Law Library, who represented the American Association of Law Libraries. An index of this type would provide a systematic and coordinated listing of all foreign legal periodical literature on a world-wide basis and would greatly augment the value of recent Ford Foundation grants to American law schools for the expansion of international legal studies. Mr. Stern's proposals followed those made by him at the 1955 annual meeting of AALL held in Chicago.

Law Books Bibliography. Fred B. Rothman & Co. and Oceana Publica-

tions have formed Glanville Publishers for the purpose of issuing library reference works. Their initial effort, *Law Books in Print,* is edited by J. Myron Jacobstein and Meira G. Pimsleur of the Columbia University Law Library. It gives full bibliographical details including author, complete title, publisher, date, pagination and price for law books in print in the United States, Canada and Great Britain. Each book is entered under author, subject, joint author, editor, translator, compiler, series, and frequently title, in alphabetical arrangement. (See Current Comments, Nov. 1956).

Since the volume will be published in a limited edition, it will be sold only by Glanville Publishers, Inc., 57 Leuning St., South Hackensack, New Jersey.

Legal Literature Bibliographical Supplement. Dr. William H. Davenport's bibliographical supplement to his "Readings in Legal Literature" was published in the September 1957 *American Bar Association Journal.* It is a three-page list arranged in the same categories as the earlier work to permit easy reference and comparison. (The parent article and bibliography appeared in the October 1955 issue of the *Journal.* See Current Comments, Feb. 1956).

As an outcome of his research in this field, Dr. Davenport, who is Chairman of the Department of Humanities, Harvey Mudd College, and Lecturer in Law, University of Southern California, has completed an anthology of legal literature which will be released by the Macmillan Company of New York in September 1958.

RES After Two Years. When the Reprint Expediting Service was established in April 1955 by the American Library Association through its Board on Acquisition of Library Materials, it was more or less an experimental stab in the dark. As such, it was given two years in which to prove itself. At the expiration of the allotted time, the project was to be discontinued if it failed to show evidence of fulfilling its purpose, which, briefly stated, is to help bring about the reprinting of out-of-print books in demand among libraries. The trial period has ended and indications are that RES will continue to operate on an expanded basis, serving a greater number of publishers and libraries. (Present membership is 204, consisting of 160 libraries and 44 publishers).

Since 1955, the Service has been canvassing libraries all over the country in an effort to determine which out-of-print books are in greatest demand. Using the information garnered, it has acted as a library representative in persuading publishers to reprint needed material and has functioned as a publishers' agent trying to ascertain the potential library market for books publishers might be willing to reissue. By working both sides of the street, so to speak, RES has thus far been instrumental in bringing back upwards of 50 formerly unavailable works in many subject fields. Among these is the 167 volume set of the *Library of Congress Catalog of Printed Cards,* originally issued in 1942 by Edwards Brothers and now being solicited for reissue by the Pageant Book Company of New York. (See Current Comments, Nov. 1957).

This unique service distributes a

quarterly bulletin which regularly contains, in addition to various special pertinent studies, up-to-date lists of new reprints of all publishers, results of library surveys and a variety of news of interest to librarians and publishers. The *Bulletin* is available at an annual rate of $5.00 per year. Information concerning all phases of RES may be obtained from Aaron L. Fessler, Reprint Expediting Service, Cooper Union Library, Cooper Square, New York 3.

Photoduplication of Presidential Papers. Public Law 85-147 directs the Librarian of Congress to index, arrange and microfilm the Presidential papers in LC's Manuscripts Division. It authorizes $720,000 for the purposes cited but does not appropriate funds therefor. An appropriation will be necessary before work can begin on the project which will eventually copy the papers of 23 Presidents.

Copyright Statute of Limitations. Public Law 85-313 provides a three-year statute of limitations in which to bring civil suits under the copyright law. Previously, federal law had no statement as to time limitation for copyright suits. Such litigation depended on the provisions of state statutes.

The amendment takes effect one year after the date of enactment (September 7, 1957) and applies to all actions commenced on and after such date.

U. S. Trademark Laws. Walter J. Derenberg states in the introduction of his *Tenth Year of Administration of the Lanham Trademark Act of 1946* that: "Despite ten years of administration, we do not have today a single decision by the United States Supreme Court, with the possible exception of the Bulova case (*Steele* v. *Bulova Watch Co.*, 344 U. S. 280), which would throw any light upon some of the major substantive and procedural problems which have arisen in the interpretation of the Act of 1946. Nor has there been thus far any major revision in international trademark law." Mr. Derenberg's 79-page article, appearing in the August 1957 *Trademark Reporter,* does find that "some progress has been made in the field of state legislation toward the adoption of a uniform registration law and toward more effective protection against intrastate trademark infringment."

This review of the administration of the 1946 Lanham Act is the text of a Progress Report submitted to the Section of Patent, Trademark and Copyright Law of the American Bar Association at its annual convention at New York, July 16, 1957.

State Legislatures Pass Some Odd Laws. State legislatures during this, one of their busiest years, enacted a number of unusual laws, according to a recent Commerce Clearing House news release.

For instance, in Nebraska you can be fined from $25 to $100 if your clock does not show Standard Time. A legislative committee in Massachusetts is at work seeking the fairest way to tax moss-gathering machinery. New Hampshire has established a navy militia.

Giving out trading stamps is now a criminal offense in Kansas. Cash or liquor prizes at bazaars and raffles are no longer legal in Connecticut. Ten-

nessee made it illegal to use the telephone to embarrass someone. Indiana did the same but made the offense punishable only if it occurs repeatedly.

A new statute in Wisconsin makes parents liable up to $300 for property damage caused by their children. Defeated was an amendment exempting parents who posted signs in red letters not less than eight inches high on a white background "in a conspicuous place on the child" reading "Beware of Wild Child." In Indiana tax exempt persons or corporations may donate whatever they wish to help pay the state's bills.

Other proposals introduced but not passed included a resolution presented in the Hawaiian territorial legislature asking the United States Congress to make the Islands of Oahu and Palmyra a county of California. South Dakota lawmakers were requested to require windshields and wipers on all ranchers' saddles.

One legislator wanted to get an official opinion from Wisconsin's attorney general as to whether falling asleep at the wheel was reckless driving. Pennsylvania considered a measure to award shields for license plates to careful drivers—white for five years without a ticket, blue for 10, gold for 15 and purple for 20.

Pre-Trial Conference Film. A new documentary motion picture entitled *A Pre-Trial Conference,* filmed by the Motion Picture Production Department of the University of California Extension, is now available on a rental and purchase basis. The 25-minute black and white picture dramatizes the use of pre-trial procedure in a tort case involving an exploding bottle. With a cast consisting of the presiding judge, the attorney for the plaintiff and the attorneys for each of three defendants, the film portrays the pre-trial treatment of such issues as medical examination of the plaintiff, deposition and discovery, identification and admission of exhibits, limitation of number of expert witnesses, elimination of unnecessary parties and exploration of possible settlement.

The picture may be rented for $4.75 plus postage by applying either to the Department of Visual Instruction, University of California Extension at Berkeley or Los Angeles, or to the National Legal Audio-Visual Center, Indiana University School of Law, Bloomington, Indiana. Prints can be purchased for $100 from the University of California Educational Film Sales Department at Los Angeles.

Law Film Listings. The most comprehensive listing of law films and their sources is the *Legal Film Catalog* published by the American Law Student Association, 1155 East 60th St., Chicago 37. (See Book Note, *L. Lib. J.,* May 1957, p. 170.) In addition, the National Legal Audio-Visual Center has a legal film bibliography they distribute upon request. Beginning this school year, the Center will welcome inquiries from interested law teachers as to available films in specific areas. Write to NLAVC, Indiana University School of Law, Bloomington, Indiana.

Seminar on International Exchange of Asian Publications. The National Diet Library of Japan has extended invitations to 27 countries to attend a

Seminar of the International Exchange of Publications in the Indo-Pacific Area, to be held in Tokyo, November 4-11, 1957. One of the main objectives of the meeting will be to study problems relating to international exchange of publications among Asian nations and Pacific countries and to make recommendations for the development of international exchange services in the Indo-Pacific area. The establishment and development of international exchange centers, the improvement of bibliographical control of library materials and the study of a draft of the Unesco-sponsored multilateral convention on the exchange of publications will also be considered.

Twelve countries have already notified the National Diet Library that they will send representatives. They are Afghanistan, Australia, the Philippines, the Republic of China, the Republic of Korea, Cambodia, Laos, Mexico, Thailand, the United States, the United Kingdom (Hong Kong) and the U.S.S.R. Foster E. Mohrhardt, Director, United States Department of Agriculture Library, and Jennings Wood, Assistant Chief of the Exchange and Gifts Division, Library of Congress, will attend the Seminar as participants from the United States.

Panamanian Code First in Latin America. What is reported to be the first codification of the laws of any Latin American nation will be available shortly when a compilation of the laws of Panama is published.

Codification of Panamanian statutes proved unusually difficult because of the complete lack of preliminary work or even a basic index for the 2,600 laws or decree laws issued since the republic was founded in 1903. An additional 7,000 executive decrees of national importance compounded the problem.

The prime source of information was a government publication in which all decrees are published at the time of their issuance or enactment. Researchers found 200 volumes of this set but no general index to it.

The project was directed by Dr. Salo Engel, a U. S. citizen who had previously completed a codification of the laws of Switzerland. Publication of the Panama compilation is expected to set a pattern for similar codification in other South and Central Latin American countries.

University Law Library Standards in Great Britain. In his article *The University Law Libraries* (*Journal of the Society of Public Teachers of Law,* June 1957), Professor J. L. Montrose, Faculty of Law, Queen's University of Belfast, says one of the problems arising from the development of legal studies in universities of the United Kingdom is the provision of adequate libraries for study and research. "Difficulties are greater in 'provincial' universities, but a recent Oxford expedition shows that they are widespread."

The United States, he explains, found it necessary for the Association of American Law Schools to adopt minimum standards for law school libraries. The need to attain such standards in order to gain recognition has been a factor enabling American law schools to obtain the requisite financial support. "Realization of this has been one of the influences leading to

the General Committee of the Society of Public Teachers of Law to agree that the time is now appropriate for consideration to be given to the question of the present condition and the future development of the law libraries of the United Kingdom."

Two steps have already been taken toward this goal. A questionnaire on library policies was sent to leading universities, and, in September, a session of the 1957 SPTL annual meeting was devoted to the discussion of law libraries and other aids to legal study.

The above mentioned questionnaire was concerned mainly with three topics —the organization and financing of law libraries, the present state of law libraries and minimum standards for law libraries. Answers to such questions as: "What is the machinery for determining how much money is spent on law books . . .?; How much was spent by the university on law books during each of the past five years? Give details of expenditure under the heads (i) law reports, (ii) legislation, (iii) periodicals, (iv) textbooks . . .; State the amounts spent as a proportion of (i) total university expenditure on books, (ii) expenditure on books by (a) the Faculty of Economics, (b) the Faculty of Science, (c) the Department of Chemistry; Which sets of law reports are in your library? What series of statutes and subordinate legislation do you acquire annually? What legal periodicals do you acquire annually? Do you think that each library should have: *Halsbury's Laws of England, Halsbury's Statutes, Annual Survey of American Law, American Law Institute Restatements . . .*?" were requested.

American Attorneys Colorful. A rather amusing comment on the American Bar Association's London convention was made by the conservative *London Times.* In reporting the resplendent presentation ceremony of more than 50 robed English judges at Westminster Hall, the newspaper observed: "Not all of the brillance was on the platform, however. There was a certain gaiety about much of the dress worn by the American lawyers. Bright suits, distinctive ties, broad-brimmed hats with wide coloured bands, all gave a new meaning to the term legal luminary."

1956 Cumulation of the "National Union Catalog." The 1956 cumulation of the *National Union Catalog* was issued by the Library of Congress in August. A rough estimate of the number of titles represented places the total at 88,000 works. Nineteen hundred and fifty-six titles entered numbered exactly 25,633 (17,858 cataloged by LC and 7,775 by other libraries). Some 71,198 locations in more than 200 libraries are cited for these 1956 books. The remainder of the estimated 88,000 titles cataloged (roughly 63,000 titles) are works published before 1956 but processed by LC during that year.

Harvard Legislative Research Bureau Publishes New Projects Volume. The Harvard Student Legislative Reference Bureau has completed a compilation of some of the more interesting and important projects handled during the 1956/57 academic year. It is expected that distribution will commence about October 1.

The publication includes seven

drafts of statutes, with an explanation of the purposes sought to be achieved by each draft, and a memorandum explaining the organization of each bill, the choice of language and the intended effect of the various provisions. Since all Bureau projects are undertaken at the request of individual clients, the publication represents a selection of those subjects deemed to be of the most general interest to legal scholars.

The compilation includes statutes intended for federal, state and uniform law consideration, and ranges over various fields of law. The most extensive bill is a complete revision of the Child Labor laws of the District of Columbia. The briefest is a statute enabling foreign banks to make loans, which was prepared for a committee of the American Law Institute preparing uniform legislation on the subject.

The other drafts cover a Federal Lobbying Act, modification of estoppel by deed in Massachusetts, modification of Federal Civil Rights legislation to require exhaustion of state administrative and judicial remedies before federal jurisdiction is available, conferring of emergency powers on fiduciaries in event of atomic attack and impartial selection of jurors.

Chicago Bar Association Library Statistics, 1956/57. The Annual Report of the Librarian of the Chicago Bar Association Library, covering the fiscal year 1956/57, was published in the September *Chicago Bar Record* at pages 482-486.

During this period, the Library was open for use an average of 81 hours a week (except July and August) or some 4,053 hours for the year. The number of man hours expended totaled 22,509.

"16,844 signatures were collected at our reference desk. Our actual attendance is probably more than double that figure. An average of around 100 books per hour were removed from the shelves for use in the Library and naturally these 400,000 books were reshelved. In addition to that 13,794 books, pamphlets, periodicals and briefs were removed from the Library . . ."

"Last year we processed for use 2,728 new volumes, 1,681 of which were purchased and the balance were received as gifts or on exchange . . ." Of the $27,018.41 spent on the book collection, $9,797.71 was expended in purchasing advance sheets, looseleaf services, pocket supplements and pamphlets "which add nothing of permanent value but which are so necessary to the active practitioner."

"The fact that only 181 volumes were re-bound is due to the continuing generosity of our members and to the fact that we purchased replacements of sets and parts of sets in most frequent use. A considerable saving in cost is effected by this process and we are not inconvenienced by having a large number of books in the bindery. Our binding cost for the year was $1,972.05 which is probably the lowest for any Library of comparable size."

The Report goes on to cover highly interesting Library activities in the photocopy field, activities concerning briefs and records microcard collections, document collections, etc.

MEMBERSHIP NEWS

Compiled by MARY W. OLIVER, *Librarian*
University of North Carolina Law Library

(*Note:* Members are cordially invited to submit news of their professional activities to the compiler. Material received by the twenty-fifth day of February, May, August or November will appear in the next issue.)

JACQUELINE BARTELLS is now at the University of California, Berkeley. Miss Bartells, one-time Acting Law Librarian at Stanford, was at Ohio State University College of Law before accepting her present position.

After twenty years of service, JAMES BREWSTER retired on January 1, 1957, as State Librarian of Connecticut. Mr. Brewster received his B.A. from Trinity (Conn.) and his B.L.S. from New York State Library School. He was head of the order section of New York State Library from 1926-27, and prior to going to Connecticut, was Librarian of Union College in Schenectady from 1927 to 1935. While State Librarian at Connecticut he was responsible for adding many valuable materials to the Library including early records of proceedings of the General Assembly and its predecessor, the General Court.

MYRON FINK, formerly of New York, is Reference-Circulation Librarian at the Law Library at U.C.L.A. He has an A.B., LL.B. and M.A. in Library Science from Columbia University and is a member of the New York Bar.

MRS. MARGARET GETTYS HALL is now Law Librarian at Creighton University. She received both her A.B. and LL.B. from the University of Nebraska. First employed by the Legal Aid Bureau of the United Charities of Chicago, she then engaged in private practice in Lincoln, Nebraska and Modesto, California from 1929 to 1943. While in Modesto, she was also Custodian of the Stanislaus County Law Library. From 1943 to 1945 she was with the Office of the Alien Property Custodian in San Francisco and Washington, D. C. After the war she retired from active practice but was appointed Assistant Law Librarian at Creighton in 1956. She has been admitted to practice in Illinois, California and before the United States Supreme Court. She is a member of the Nebraska Bar Association, the Omaha Bar Association and the National Association of Women Lawyers.

GILSON GLASIER retired as State Librarian of Wisconsin January 1, 1957, after more than fifty years-service. Mr. Glasier received his law degree from the University of Wisconsin and served as private secretary to Justice R. D. Marshall of the Supreme Court of Wisconsin from 1896 to 1904. After practicing law in Milwaukee for one year, he became State Librarian, which position he held until his retirement. He is a member of many professional organizations including the American Bar Association, Wis-

consin Bar Association, and the National Association of State Libraries. He is a past president of the American Association of Law Libraries and was managing editor of the *Index to Legal Periodicals* and the *Law Library Journal* from 1908 to 1911. Among his other professional contributions are Callaghan's *Wisconsin Digest,* 1909-1920 and the *Autobiography of Justice Roujet D. Marshall.*

KATHLEEN GODFREY assumed her duties as Assistant Law Librarian at Ohio State University in September. She is an August graduate of the University of Washington School of Librarianship.

RODNEY M. HOUGHTON is now with the California Supreme Court Library. He received his B.A. in Economics and M.A. in Library Science from the University of Denver. He was, at one time, Assistant Librarian at the Bureau of Reclamation in Billings, Montana. He plans to resume his law studies at the University of San Francisco.

CLARA KILBOURN, Assistant Law Librarian at the University of California, Berkeley, retired on June 30, 1957, upon the completion of twenty-eight years of distinguished service. Miss Kilbourn served on a number of committees of the American Association of Law Libraries and was, for a long time, active as a member of the Committee on the Index to Legal Periodicals.

ROBERT MCCARTNEY, a graduate of the University of Denver School of Librarianship, is now Acquisitions Librarian at the University of Washington Law Library.

WILLIAM H. D. NOLEN has joined the staff of the Law Library at the University of California at Berkeley. He received his bachelor's degree and his doctorate in law at Leiden, with supplementary studies at Paris, Oxford, and Munich. He took his library school training at the University of California (Berkeley).

STANLEY PEARCE recently joined the staff of the Los Angeles County Law Library. Mr. Pearce has his B.S., LL.B., and master's in Law Librarianship from the University of Washington.

MAX PERSHE, formerly Assistant Law Librarian at Rutgers University Law School, is now Law Librarian at Chadbourne, Parke, Whiteside and Wolff in New York. Mr. Pershe received his LL.M. and J.U.D. from the University of Zagreb and his M.A. in Library Science from Columbia University.

In September 1957, IRIS WILDMAN became Assistant Librarian in charge of Technical Services at the Law Library of Ohio State University.

EUGENE WYPYSKI is Associate Librarian and Assistant Professor at Fordham University School of Law. He was formerly Law Librarian of the Corporation Counsel's Office.

AMONG OUR AUTHORS

TALBERT B. FOWLER, JR., Law Librarian at the University of Alabama,

is the author of *Available Research Materials on the Federal Rules of Civil Procedure,* published in the Spring 1957 issue of the *Alabama Law Review.*

Law Books in Print, edited by J. MYRON JACOBSTEIN and MEIRA G. PIMSLEUR of the Columbia University Law Library, is to be published in December 1957 by Glanville Publishers.

DAVID L. MOORE, Legal Reference Librarian at New York University, has compiled a bibliographical survey, "The Law of Passports in the United States (1952-1957)." This was prepared for the Special Committee to Study Passport Procedures of the Association of the Bar of the City of New York. (Copies may be secured from the Association).

MORTIMER SCHWARTZ has collaborated with John C. Hogan and F. J. Krieger on an article entitled *Soviet Attacks on the Western Legal Order* in the August 1957 issue of the *Oklahoma Law Review.* He has also collaborated with William R. Bandy of Oklahoma University Law School in the prosecution of a manslaughter case and with the Norman Public Library Board of Trustees (of which he is Chairman) in trying to get bookmobile service for several Oklahoma counties.

CHAPTER NEWS

The ASSOCIATION OF LAW LIBRARIES OF UPSTATE NEW YORK held its third annual meeting in Syracuse, September 6 and 7. James M. Flavin, New York State Reporter, spoke at the dinner on "The Office of the State Reporter." Mr. Flavin distributed a 43-page pamphlet prepared under his direction by Arthur Karger of the New York Bar entitled "Titles of Actions and Special Proceedings Cyclopedically Arranged by Subject Matter Which is to Serve as a Manual for the Guidance of the New York Bar" and announced that it will be sent to all subscribers of the official *New York Reports.* Michael S. Pucher, Librarian, Supreme Court Library, Fifth Judicial District, Utica, presided at a round-table discussion on "Shall New York State Adopt a Fee System for the Support of the Public Court Libraries?" Mr. Pucher said that a survey he had conducted in Oneida County revealed that a $3.00 fee from each party to a law suit would net $40,000 per year for the support of his Library—a sum considerably more than the institution's present limited budget. Professor Robert W. Miller of Syracuse University Law School, a former FBI agent, spoke on the "Hell Ship Case" in which he defended Japanese war criminals. Ernest H. Breuer, New York State Law Librarian, reported on the Temporary State Commission on the Constitutional Convention which was authorized in New York by the Laws of 1956, Chapter 814. In connection with this, the State Law Library is preparing, for eventual publication, a "Guide to Manuscript and Printed Materials by and about New York Constitutional Conventions Available in the New York State Library."

The constitution was amended to change the name of the chapter from

Association of Law Libraries of New York State to its present name.

The LAW LIBRARIANS OF NEW ENGLAND held their annual meeting October 19 in conjunction with the Annual Conference of the New England Library Association at Swampscott, Massachusetts. This is the first year that the law librarians have held their meeting as part of the Conference. Mrs. Fannie J. Klein, Research Coordinator and Librarian of the Institute of Judicial Administration, made the principal address, "Research Agencies and the Development of the Law."

The LAW LIBRARIANS' SOCIETY OF WASHINGTON, D. C. has just published volume 1, no. 1 of their newsletter "Law Library Lights." It is to contain notices of meetings, discussion of problems, report items of personal interest, and general news items.

The SOUTHEASTERN CHAPTER, AMERICAN ASSOCIATION OF LAW LIBRARIES held its annual meeting in Atlanta, Georgia, August 22 through 24. Miss Helen Hargrave, President of the American Association of Law Libraries, attended the meeting. Mr. John M. Elliott of the Harrison Company and Miss Carroll Hart, Assistant Archivist of the Department of Archives and History, spoke at the banquet, giving some of the highlights of their work and its relation to the legal profession. Mrs. Martha Jane Zachert, Librarian of the Southern College of Pharmacy, Miss Evelyn Jackson, Dean of Emory University Library School, and Mary Oliver, Law Librarian at the University of North Carolina, participated in a panel discussion of Law Library recruitment. Dean William Hepburn of the Emory University Law School was the principal speaker at the luncheon. "Successful Public Relations Programs" was given interesting treatment by Eunice Coston, Group Services Consultant, Atlanta Public Library. "Legal Bibliography as Taught and Practiced" was the subject of a panel discussion participated in by Sarah Leverette, Law Librarian of the University of South Carolina, and Dorothy Salmon, Law Librarian of the University of Kentucky.

CHAPTER OFFICERS

ASSOCIATION OF LAW LIBRARIES OF UPSTATE NEW YORK STATE (1957-58)
President: Michael S. Pucher
Vice-President: Edgar T. Mengarelli
Secretary: Jean F. Thompson
Treasurer: Nancy Stirling

SOUTHEASTERN CHAPTER OF A. A. L. L. (1957-58)
President: Dorothy Salmon
Vice-President and President-Elect: Kate Wallach
Secretary-Treasurer: Ruth Corry

BOOK REVIEWS

How to Find the Law, edited by William R. Roalfe. St. Paul: West Publishing Co. Fifth edition, 1957. 207 p. $5.00.

The recent trend of getting law into "nutshell-type" volumes has caught up with legal bibliography. The concise and detailed manuals of Hicks[1] and Price and Bitner[2] are without doubt most valuable for the education of law librarians and the more serious scholars in the use of legal bibliographic materials. However, there was a need for a volume that could be precise and yet understandable to the new law student who, more often than not, had never heard of torts, contracts, court reports and *stare decisis* until his first weeks in law school, and at the same time not make vicious inroads into the study time of the student. Pollack in his *Fundamentals of Legal Research* has provided one such recent volume. The fifth edition of *How to Find the Law* is another welcome addition to a literature that was overburdening the instructor and student by the bulk of its individual volumes. It is also gratifying to note that not only does the General Editor, in chapter 1, give reasons for the study of legal bibliography, but, in chapter 13, he also places some importance and emphasis on the distinctive characteristics of the law library collection, its classification system and card catalog, a feature which is not generally found in contemporary volumes.

There have been, of course, noteworthy changes. One such change has been the arrangement of the materials in the edition and another the omission of various materials found in the fourth edition. The earlier procedure for presenting legal bibliography to students has been almost reversed. The materials are divided into 14 chapters. After the introductory chapter 1, the volume begins with legal encyclopedias and digests in chapter 2 and 3 respectively; chapter 4 covers court reports; chapter 5 explains statutary materials, and chapter 6 deals with administrative agencies. Succeeding chapters on looseleaf services, periodical literature, citators, English materials and non-legal materials, follow in that order. There has hardly been a volume on legal research published that did not begin with legislative materials, then court reports, followed by encyclopedias and digests. In his class work, the beginning student learns he must find his way through the maze of court reports almost from the first day, encyclopedias and digests being the next mass of material with which he must become familiar. Legislation comes much later with law review work or the writing of papers and notes. The change in arrangement, therefore, seems to be a most logical one.

The chapters on non-legal materials and the card catalog were again included as in past editions. Authors of

1. MATERIALS AND METHODS OF LEGAL RESEARCH (3d ed., 1942).

2. EFFECTIVE LEGAL RESEARCH (1953).

other legal research books have often omitted this type of material due to the assumption that one should have a knowledge of what may be termed "undergraduate" sources and should be well acquainted with the inner workings of the card catalog. But how often have librarians asked, "Did you check the catalog?" and received a blank stare, laced perhaps with fear, in return, for an answer? The catalog, more than any other tool, can help unlock the mysteries of a collection; it is therefore a complementary mystery as to why more emphasis is not placed on its use in legal bibliography courses. The fact that the law student is apt to quickly forget what he learned as an undergraduate due to pressure of law studies adds to the importance of chapter 12. The interrelation of law with social, economic, and political pressures makes it imperative that each student and practicing attorney have some knowledge of these sources.

This volume omits the full treatment given in separate chapters of the prior edition to construction of statutes, trial and appeal briefs, and materials that are more apt to appear in other courses within the law school curriculum. This, with the reduction in illustrations and omission of various comprehensive tables, has of course cut down the mass of the book. The fourth edition has some 740 formidable pages of casebook format; this edition has been done in the new West format of double columns, has large, clear, legible type and is a much handier volume of 207 pages. It would seem that the volume is aimed at the student and the teacher of legal bibliography. However, the lack of bibliographical material such as tables of abbreviations, list of Anglo-American periodicals, etc., of the type that may be found in Price and Bitner, Pollack or in the fourth edition of *How to Find the Law* are very apt to defeat its adaptation for course work. The "temptation to add further details" was resisted by the contributors, but substantial difficulties may confront the instructor who must refer his students to other sources for such comprehensive materials or complement the book with lectures, publishers' manuals, and outlines.

Under the direction of General Editor, William R. Roalfe, the contributors[3] have compiled a most useful book, one which will cover the essential material and not suffer from the chronic complaint that the course consumes too much of the student's time. There is no doubt that every law student should be familiar with the material that this volume covers. Other volumes cover as much, and more, but taking into consideration the time factor, the personal motivation of each instructor, and the lucid manner the materials are presented, this edition of *How to Find the Law* will certainly find many adherents.

STANLEY J. BOUGAS

Equal Justice Under Law: The American Legal System, by Carroll C. Moreland. New York: Oceana Publications, 1957. 128 p. $2.75.

The late Chief Justice Arthur T. Vanderbilt remarked that "in no

3. Earl C. Borgeson, John P. Dalzell, Vincent E. Fiordalisi, Marian G. Gallagher, Leon Lebowitz, Leon M. Liddell, Julius J. Marke, Albert R. Menard, Jr., John Henry Merryman, Carroll C. Moreland, Leonard Oppenheim, and Mortimer D. Schwartz.

spirit of pride, but simply as a matter of history" he attributed his gray hairs not to his work in the courts but rather to the seventeen years spent in an effort to secure a sound system of judicial administration in New Jersey.[1] With wry humor, he would tell of the laborious effort expended in producing draft after draft of a revision of the Judiciary Article of the New Jersey Constitution only to be given the "old legislative run-around." Saddened but wiser after ten years of trying to placate various interests, his group carried the fight directly to the people. The powerful support of an aroused, knowledgable citizens' committee finally impressed the New Jersey lawmakers and today not only is New Jersey justice exemplar, but the formula for obtaining the backing of the man in the street is being carefully followed by other states—and these are ever-increasing in number—where a campaign for major revision in the administration of justice is in progress.[2]

Written with enough simplicity so that an average reader can gain an insight into the foundation and development of our dual court system and the means by which "equal justice under law" may be maintained, Mr. Moreland's book is particularly timely. Before treating with the structure, jurisdiction and key procedures, civil and criminal of state and federal courts, the author describes briefly the historical background of our legal system. He does the reader the service of recapitulating how the thirteen colonies, united in the fight for independence, yet reluctant to part with any of their sovereignty to a central government, developed our present form of state and federal governments with the separation of powers into the executive, legislative and judicial branches and because in the colonies either the English Privy Council or the colony's Legislature had been wont to override the courts, special attention was given to the creation of an independent judiciary.

The chapter on state and federal constitutional guarantees is particularly valuable. It will enlighten the citizen who may have become confused by the deluge of newspaper accounts of cases in which the protection of such guarantees has recently been sought. In discussing civil rights under the Fourteenth Amendment, a dispassionate report is made of segregation issues with recent pertinent Supreme Court decisions. Briefly etched into this picture is the education and role of the lawyer—just enough to give the lay reader some knowledge of the organized bar and how it can help and protect him.

All to the good is the fact that

1. Vanderbilt, *The Reorganization of the New Jersey Courts*, 34 CHICAGO BAR RECORD 161 (1953). The Chief Justice was enlightening an Illinois group of lawyers who since late in 1951 had been drafting proposals for constitutional revision of the Illinois Judiciary Article. A citizens' committee was subsequently formed and the combined seven-year effort of the lawyers and the laymen was crowned last June 24 with some measure of success when the Legislature passed S.J.R. 47 which provides for a simplified, integrated court system with overall administration. The proposed constitutional amendment is to be voted upon in the November 1958 election, and it will be the continued work of the Illinois "Citizens' Committee for Judicial Amendment" which will be largely responsible should the measure receive popular approval.

2. Paul, *How to Sell Judicial Reform*, 42 NATIONAL MUNICIPAL REVIEW 280 (1953). For recent developments in the states, see INSTITUTE OF JUDICIAL ADMINISTRATION, CHECKLIST SUMMARY OF 1957 DEVELOPMENTS IN JUDICIAL ADMINISTRATION (1957), 38p. mimeographed. John C. Leary's monthly newsletter, *Court Congestion*, published by the American Bar Foundation, is a rich source of helpful data.

throughout the book, words, phrases and terms which the layman uses often incorrectly are clearly defined.

A memorably phrased Epilogue by Dean Jefferson B. Fordham adds to the stature of the book. The "Rule of Law," simply explained, means in America a government of laws—not of men. It must be understood and kept strong by lawyer and layman alike, particularly today when in large areas of the world it does not prevail.

This is a small book and therefore sketchy,[3] not to be used for the same purpose as are many of the items mentioned in the thorough Bibliography appended by Mr. Moreland and in the Selected Readings following each chapter, but it will be wonderfully interesting to laymen and beginning law students and not without extensive help to the Reference Librarian in law and general libraries.

I quarrel with the book's name but having nothing better to offer, perhaps I should not mention this.

For the mighty effort it must have taken Mr. Moreland to condense so much of magnitude and vital importance into a concise, interesting volume, his readers are indebted to him.

It is the pleasant duty of a reviewer to introduce the author to his reader. To law librarians, this duty is briefly discharged. A toiler in the field of legal research for many years and a past president of the American Association of Law Libraries, Carroll Moreland has made a large place for himself among law librarians. As we all know, he is Professor of Law and Law Librarian at the University of Pennsylvania Law School and has co-authored, with Erwin C. Surrency, another Oceana publication, *Research in Pennsylvania Law.*

FANNIE J. KLEIN

Williston on Contracts. Third edition by Walter H. E. Jaeger (to be published in 12 volumes). Mount Kisco, N. Y.: Baker, Voorhis, Vol. 1 (1957). $20.00 per volume ($16.50 with return of volumes of revised edition).

Once again the law librarians and others who purchase the research materials for the legal profession are being asked to replace an old standard work [equipped for pocket part supplementation] with a new revision.

We know by now that the publisher's "blurbs" about "Lifetime" and "Permanent" editions were at times blasé and are now passé. But we remember from our literature something about "A rose by any other name. . . ." It would seem therefore that before we replace a "major appliance" of the legal profession with a new model that we should examine the evidence before us as judiciously as possible.

Williston on *Contracts* was first published in 1920. A revised edition by Williston and Thompson began to replace the earlier edition in 1936. Now in 1957 volume 1 of the third edition is being published.

It has been, therefore, over twenty years since a complete revision was made. During that period of time there have been changes and develop-

3. This is an opportunity to mention another little book—INSTITUTE OF JUDICIAL ADMINISTRATION, A GUIDE TO COURT SYSTEMS (1957), 45p. printed. Although it does not include in its discussion many of the areas covered in EQUAL JUSTICE UNDER LAW, particularly those dealing with constitutional guarantees and civil liberties, it does give more specific detail on the court systems and the administration of such courts. Both books will help in the education of the layman.

ments in contract law that should be incorporated in the main text of the work. Pocket supplements are good to keep a work up to date, but if they cover too long a period of time, there is a danger that their main function might be as a poor substitute for the text. Also they might constantly refer the user away from the text since they are often written more as a citator than a text. Thus what was once a leading secondary source (treatise) could become a tertiary source (digest). When this occurs a revision or replacement is indicated.

It has been a pleasure reading the new volume 1 of Williston on *Contracts*. While reading it I compared it with volume 1 of the 1936 revised edition.

One of the first things I noticed was that Dr. Jaeger has exercised a remarkable degree of restraint in leaving intact that which requires no change, thus preserving to us as far as possible the language of Williston.

However, where the law has changed and new developments (such as in the field of labor law, and in modern technological advances) have occurred, the text has been rewritten and expanded to make this new edition a modern treatise on the law of contracts.

The format of the third edition is somewhat the same as the old. The changes that have been made are improvements.

The section numbering is the same as the old. Vol. 1 of the third edition therefore covers substantially the same phases of contract law as vol. 1 of the revised edition (for example, definition of terms; requisites of informal contracts; offer and acceptance; and consideration). This use of the same section numbers is an advantage in that it is easy to transfer from citations in the revised edition to the third edition.

The footnotes in the third edition are much more readable than in the predecessor volume because they are arranged in paragraph form. They are frequently more understandable because of a more frequent use of short digests of the cases to which they refer.

Occasionally the textual matter on a particular point of law has been moved from one location in the set to another in the interest of making it more logical and in the light of changes that have occurred. An example of this is the section dealing with mutuality of obligation. In the revised edition this was section 141 in the chapter on Promises Requiring Neither Mutual Assent nor Consideration. In the third edition we find the material on mutuality of obligation in a new section 105A in the chapter on Consideration.

When a change such as this is made it is still possible to find the material using the citations to the old edition because the third edition contains the necessary cross-references.

An example of new material may be found in section 115C on Consideration and the Tax Statutes.

Another area in which the third edition is an improvement is that a greater emphasis is placed on statutory materials. As the years pass we find that statutes are being enacted by the legislatures covering more and more subjects. Our treatises are more valuable to us if the authors recognize this and do not confine themselves to the case law.

The author of the third edition, Dr. Jaeger, is well qualified by years of teaching and writing to do this new edition of Williston on *Contracts* and on the evidence before us (that is, vol. 1), this new Williston will be a welcome addition to all of our libraries.

JOHN HARRISON BOYLES

Bibliografia Sumaria de Derecho Mexicano, por Margarita de la Villa y Jose Luis Zambrano, bajo la direccion de J. Elola, publ. by Instituto de Derecho Comparado, Mexico, 1957. 200 p. Price?

More than half a century after the outstanding *Bibliografia Juridica Mexicana* by Cruzado (1905) and two decades after Vance-Clagett, *A Guide to the Law and Literature of Mexico* (1945) and Clagett, *A Guide to the Law and Legal Literature of the Mexican States* (1947), the present selective bibliography represents an overdue attempt on the Mexican part to provide a much needed up-to-date bibliography of Mexican legal materials.

The *Bibliografia Sumaria* is compiled under the self-imposed limitation to exclude not only an "immense quantity of valuable contributions in legal periodicals" (Prologo, v) but also the vast number of student theses. These limitations will, of course, impair to a certain extent the usefulness of the bibliography. However, the quality of the work will make up for it by far.

Thus limited to publications in book form (including legal periodicals and other important continuations) the bibliography contains items published since independence. The bibliography proper is preceded by what the authors term *panorama bibliografica* containing short but concise introductions to bibliographical lists offered under parallel headings in part two (*catalogo bibliografico*). Thus both the introductions as well as their bibliographical counterparts appear in separate parts of the book but under identical headings: bibliographies, official and private publications (of statutory materials), encyclopedias, periodicals, legal history and philosophy; administrative, agrarian, civil, comparative, constitutional and tax law; conflict of laws and international law; commercial, military and criminal law; theory of state and, finally, procedural and labor law. Within these groups, subsections are introduced as, for example, history, general works, drafts and special topics.

The bibliography is a valuable work, well organized and carefully edited. The introductory surveys condensing in fifty pages vast materials of critical bibliographical information will be particularly appreciated.

S. A. BAYITCH

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by DOROTHY SCARBOROUGH AND VIRGINIA DUNLAP
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* Current Publications is a selection by subject of items appearing in the monthly list of *Current Publications in Legal and Related Fields.*

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ASSOCIATION CALENDAR—ANNUAL MEETINGS

DATES	CITY	HEADQUARTERS
June 29—July 3, 1958	Washington, D. C.	Sheraton-Park Hotel
June 22—June 25, 1959	New York City	Commodore Hotel

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